103

NAVIGATIONAL SAFETY ON THE LOWER MISSISSIPPI

Y 4.M 53:103-95

HEARING

BEFORE THE

SUBCOMMITTEE ON
COAST GUARD AND NAVIGATION

OF THE

COMMITTEE ON MERCHANT MARINE AND FISHERIES HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

SAFETY ON THE LOWER MISSISSIPPI RIVER FOR PASSENGER AND COMMERCIAL TRAFFIC, OVERSIGHT OF "OPERATION SAFE RIVER", AND INVESTIGATE RECENT ACCIDENTS

MAY 2, 1994

Serial No. 103–95

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NAVIGATIONAL SAFETY ON THE LOWER MISSISSIPPI

MONDAY, MAY 2, 1994

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COAST GUARD AND NAVIGATION,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
New Orleans, LA.

The Subcommittee met, pursuant to call, at 10:07 a.m., in room 268, U.S. District Courthouse, 500 Camp Street, New Orleans, Louisiana, Hon. Billy Tauzin (Chairman of the Subcommittee) presiding.

Present: Representatives Tauzin, Hochbrueckner, Green and Lambert

STATEMENT OF THE HON. W.J. (BILLY) TAUZIN, A U.S. REPRESENTATIVE FROM LOUISIANA, AND CHAIRMAN, SUBCOMMITTEE ON COAST GUARD AND NAVIGATION

Mr. TAUZIN. Good morning. The hearing will please come to order.

This morning, I want to particularly welcome my colleagues from the Merchant Marine and Fisheries Committee who have joined us for this hearing. I want to start by recognizing on my left, the Congressman from Long Island, New York, George Hochbrueckner and on my right Congressman Gene Green from Texas and Congresswoman Blanche Lambert from Arkansas, our neighboring states. We want to welcome them to this hearing.

As you know, the Merchant Marine and Fisheries Committee has been vitally interested in river safety. I also deeply appreciate the interest my colleagues have shown in coming to New Orleans to join us for this hearing. I hope you have enjoyed the Queen city of the South as much as the Queen city of the South has enjoyed having you here.

This morning, we will conduct a follow-up hearing on a number of both hearings and markups which deal with legislation designed to ensure that the river is as safe an environment as possible in regard to the kinds of commercial traffic and recreational traffic that is now occurring.

On March 24, 1994, Admiral Card announced "Operation Safe River" in response to a rash of accidents on the lower Mississippi River. These accidents involve every facet of the maritime industry from towboats to ferries to freighters. They have been caused by human error, mechanical failure, limited visibility, and even high water, which is a condition the river is experiencing at this very moment. The common threat between all of the accidents is their

location. The lower Mississippi is the busiest waterway in America. We are here today in New Orleans to learn what we can do to make life on the lower Mississippi River as safe as possible.

Many of the concerns addressed by Operation Safe River coincide with safety issues that the Subcommittee has been working on for the past year. Before discussing the specifics of Operation Safe River, I would like to recap some of the Subcommittee's activity concerned with navigational safety.

Last fall, the Subcommittee held a hearing to investigate the circumstances surrounding two fatal accidents involving towing vessels. The first accident occurred right here in New Orleans when a towing vessel hit the Judge Seeber Bridge. The second accident occurred in Mobile, Alabama, where a towing vessel hit the Big Bayou Canot Bridge causing the derailment of the Amtrak Sunset Limited. The hearing resulted in the introduction of H.R. 3282, "The Towing Vessel Navigational Safety Act of 1994". This bill has the strong support of the Secretary of Transportation, Mr. Peña, the American Waterways Operators and the American Inland Mariners, to name just a few. We hope to have H.R. 3282 passed before September 22, which is the first anniversary of that awful Amtrak tragedy.

Last November, the Subcommittee met in Baton Rouge to investigate safety concerns resulting from the introduction of gaming vessels on the lower Mississippi River. We learned that a great deal of work remains to be done regarding this matter. Loading up to 3000 gambling and drinking passengers who will not be wearing life jackets aboard riverboats that will be competing for the right-of-way with tankers, freighters and barges, is a very dangerous prospect. We learned in the Baton Rouge hearing that on average every seven days a foreign flag tanker or major ship loses steerage or power in the Mississippi River corridor. Just recently, on September 28, we experienced that specific example on the Mississippi River in Placquemines Parish where a major vessel lost power or steerage and landed up colliding with the levee itself. We can only imagine what would have happened had there been a gaming vessel filled with reveling and fun-loving gamblers, not only from Louisiana but perhaps from New York, Texas, and Arkansas, having a good time here in New Orleans, who suddenly find themselves in a tragedy. We want to make sure that everything is done that can possibly be done to avoid that kind of a tragedy that could threaten the lives of thousands of people.

Last summer this Subcommittee held a hearing in Washington to investigate the Coast Guard's Vessel Traffic Service Program for New Orleans. We know that a VTS is about the best tool available for preventing accidents on busy waterways. We used to have VTS in New Orleans. It was a voluntary radio device VTS. Everyone knew it was inadequate and imperfect—in fact, it could give false assurances, and it was disbanded for both budgetary and liability reasons. However, a VTS could provide a riverboat captain with information about in-bound and out-bound traffic. It could allow him to avoid a collision before leaving the pier. Unfortunately, the Coast Guard's VTS 2000 acquisition program continues to fall behind schedule. Under current plans, New Orleans will not have a VTS until 1999. In addition, New Orleans was rated by the Coast

Guard, in a very objective study, as the port with the greatest need for a VTS system in the United States. Today, in the very busiest of waterways, we do not have a VTS system. Five years is simply too long to wait and we ought to take steps immediately to make the river safe.

I want to welcome our witnesses today and thank them for being here. To allow time for a thorough discussion of the issues at hand, I would like to ask each one of you to summarize your statements or your testimony that is already a part of the record by unanimous consent under the rules of our Committee. I would also urge you to stand by for questions by this panel and to engage in a discussion with us as to what we feel are concerns on the river and how you feel those concerns can best be managed.

Today, for example, I will be very interested in hearing from Admiral Card on our request that the Algiers light be manned permanently instead of just in high water times. While we do not have a VTS in place, I think the permanent manning of that Algiers light at this incredibly dangerous turn of the river, would be a very big improvement.

Parenthetically, let me add that the Members of the Committee who are with me today had the pleasure of seeing the Mississippi River, firsthand, this weekend aboard a Coast Guard vessel and one of Canal Barge's tugboats. As we left the locks, the operator of the Canal Barge put a call in to that Algiers point operator and received information regarding a vessel in the Algiers turn. As a result, instead of going upstream, he maneuvered downstream in order to time his arrival at the point to avoid unnecessary proximity to that other vessel. With that simple radio call, we received important information, and saw first hand what a valuable tool this is in maintaining navigational safety. We hope we can hear some favorable words from the Coast Guard about maintenance of that light on a full time basis.

I want to now recognize my colleagues for their opening remarks and I will begin with my colleague from the state of New York, George Hochbrueckner.

STATEMENT OF THE HON. GEORGE HOCHBRUECKNER, A U.S. REPRESENTATIVE FROM NEW YORK

Mr. HOCHBRUECKNER. Thank you, Mr. Chairman.

Thank you very much for inviting us here to enjoy the city and most importantly to first-hand see some of the problems that you do confront here as one makes the very treacherous turn around Algiers Point. I would also like to thank the Coast Guard for hospitality shown and giving us the opportunity to see the treacherous currents that do in fact exist in that region.

And there is no question in my mind, the Chairman has certainly convinced me that the circumstance involving the gaming boats is in fact a very scary possibility, especially with the thousands of people who will be in essence enjoying those cruises as they enjoy the city life here. So there is no question this is a major concern, I certainly share it with the Chairman and I think he has made his point to us about the dangers of the gaming boats on the river having to be out there cruising in order to meet the legal requirements of the state, in order to allow gambling. So it is certainly a

scary situation and I think I really do appreciate the concern that the Chairman does have for all of the people who will participate on those boats, including most certainly many people from New York state.

So thank you very much, Mr. Chairman, for this opportunity to learn more about some of the problems of the Coast Guard certainly in this region.

Mr. TAUZIN. Thank you, Congressman Hochbrueckner.

I will yield now to my colleague on my right, Ms. Lambert from Arkansas for an opening statement. Blanche.

STATEMENT OF THE HON. BLANCHE LAMBERT, A U.S. REPRESENTATIVE FROM ARKANSAS

Ms. LAMBERT. Thank you, Mr. Chairman. I would like to join my colleagues in thanking you for your energy and interest in this issue. As a neighbor to the north, only six hours basically north of you on the river here in Mississippi and having grown up on the Mississippi River, it has been a tremendous pleasure to be here in the Crescent City. We appreciate the hospitality we have received from the city as well as the Coast Guard and others. We only hope that we can reciprocate that hospitality in Arkansas sometime. We will look forward to that.

We do appreciate the energy and the interest that the Chairman has put into this issue. H.R. 3282 is a good beginning of where we want to be. Representing the eastern half of Arkansas all along the Mississippi River, having had several similar instances in my district, we have had I guess in the last possibly five months, barges hit the bridge at Memphis, West Memphis, Arkansas, as well at Helena. In the interest of knowing what we can provide in terms of making riverboat travel more safe, we are looking at a time when commerce and economics for those of us along the river give us a tremendous amount of advantage with the river and its resources, along with our districts. We want to be able to work with all of you all in providing that safety as well as taking advantages of the resources of the river in terms of commerce and what lies ahead for all of us.

So we are delighted to be here, we appreciate the hospitality and want to be able to reciprocate that, but looking forward to the testimony of all of you all, and really do appreciate the opportunity to be able to—as we did day before yesterday—to be in the harbor, to be on a vessel, both Coast Guard as well as a barge, to understand first-hand some of the difficulties and problems of the high waters, the traffic, as well as the gaming boats. We in Arkansas now have five—no, eight casinos in between the two bridges at Memphis and at Helena. So it is a very big issue for us. We are delighted to have the Chairman's interest and energy there and look forward to today's hearing. Thank you.

Mr. TAUZIN. Thank you, Ms. Lambert.

Gene, I want to recognize my deal colleague and friend from Texas. Gene, I skipped you in order of seniority in order to yield to Ms. Lambert, but I want to also recognize his great interest.

Gene—we were talking about it privately—would love to have some of the water that flows through New Orleans rerouted through Texas and I think Gene appreciates having seen the com-

munity and seen our great asset in the Mississippi River and at the same time the concerns there. I deeply appreciate you joining us, Gene, and would welcome an opening statement at this time.

STATEMENT OF THE HON. GENE GREEN, A U.S. REPRESENTATIVE FROM TEXAS

Mr. GREEN. Just being brief, thank you, my district is Houston with the Port of Houston, and we share some of the same concerns. In fact, our legislature will be considering gaming vessel, and our Port of Houston is much narrower than the Mississippi with not the water capacity problems.

I am proud to be here and also share with a sister city the problems that we all experience, and also to compliment the Chairman on H.R. 3282, I am a co-sponsor of it. It affects not only this community but also any ocean-going or commercial area that has shipping like the Houston port.

Thank you, Mr. Chairman, for having the hearing.

Mr. TAUZIN. Thank you, Congressman Green.

We will now turn to our panel and I want to welcome first, Rear Admiral James Card. Admiral Card will be leaving us, of course, as we change command again in the Eighth District. When that happens, I want you to know, Admiral Card, you will be sorely missed. You have been an asset of immense proportion to this district. I know we will continue our friendship and our association in your new assignment, but I simply wanted to say from all of us in the region how much we have appreciated your leadership here and the fine work of the men and women here in the Eighth District. I wanted to say again from the Committee how much we appreciated the hospitality of the district and the assistance it provided to us in seeing first-hand the river conditions.

Admiral Card.

STATEMENT OF REAR ADMIRAL JAMES C. CARD, COMMANDER, EIGHTH DISTRICT, UNITED STATES COAST GUARD

Admiral CARD. Thank you, Mr. Chairman, Members. First let me say thank you for those kind words. Like most Coast Guard Commanders, we are proud of the people we have and the things that they do, and I think from my perspective the men and women in the Eighth Coast Guard District are first-rate all the way around and they do a great job for the country, for us and for you down here.

What you have, from our perspective, today, Mr. Chairman, is a summary of what a field commander can do with these sorts of issues. As you know, the work of policy is done in Washington, D.C., the laws are passed, the regulations are written. But we have the operational resources and we can take many actions here that do not require national policy changes. And that is what we have done in really the past year to address various safety concerns, both on the Mississippi River and other rivers and intracoastal waterways along our way.

I would like to summarize for you the testimony that I have in several areas. One is bridge safety; the second is river safety response, the search and rescue exercise that we held, "Operation Safe River", which you have summarized; some of the previous

safety efforts we have done since our last meeting—last hearing—in Baton Rouge; and a little bit about accidents.

Following the Amtrak accident, I met with many of the industry leaders, towing industry leaders, and one of the things that we talked about was if we could identify where the most troublesome bridges were in the district, we might be able to do something about those, in addition to the Truman-Hobbs legislation, which takes a long time and is never very assured.

So we have done that, and they have helped us identify 14 problem bridges throughout the district. We have a team of members from the bridge owner, the towing industry, the Coast Guard District, and the Corps of Engineers. They have surveyed those 14 bridges and we are going to be meeting on Wednesday to see what the issues may be—is there background lighting, are there aid to navigation problems and those sorts of things. If it is determined that we need to do a more sophisticated waterways analysis of those bridges, we will do that. I think this has been a very positive, cooperative effort and we are hoping we will be able to find some of the easier fixes. We know there will be some tough ones too. But that is one of the things that we have done to respond. This was ahead of the national directive from the Commandant to survey all the bridges, and of course we are doing that as well.

In addition, we have improved our response for bridge collisions. The reporting requirements, which is one of the modifications that is in your bill, is something which is important to us. We have to know about a problem before we can do something about it. We have encouraged the towing industry particularly to report more promptly, and they have done that. We have had good results in the process of doing that. We are also tracking bridge accidents more carefully than we have in the past. They will provide us some trends and some information so we can look and see where there are problems. We have a lot of data but we have not done as well as we could have in the past at tracking that data, looking for common problems.

We are investigating all bridge collisions, including drug and alcohol tests of the operator of the vessel who is involved with that bridge collision, to see if we can reduce them. Maybe only a very small portion, but it is one that we can easily identify and again, the industry has been cooperative.

We have also changed the way that we respond to notification of bridge accidents. In the past, we had a protocol to be able to tell the bridge owner if there was a problem, but the protocol was not consistent throughout the district. We have changed that so now, if we get the notification, within a matter of minutes we can get to the bridge owner to tell them they have a problem with that bridge. There is a good example of that happening recently in our Port Arthur Marine Safety Zone, which is listed in the testimony, where there was a breakaway barge that struck a railroad bridge and the call came to our Operations Center. We were, within a minute or so, able to notify the bridge officials of that situation and they were able to take the proper actions. And so what we wanted to have happen in bridge notification, has happened. Of course, the change in the regulations for notification of accidents will help very much.

I would like to now shift to something which we have spent a lot of time on since the last hearing, and that is response to problems which we may have on the river. If you will remember, we talked about conducting a search and rescue exercise here in New Orleans before the first gaming vessel went into operation on the river. And that was the Queen of New Orleans, and it went into operation in February. We conducted an exercise at the end of January, the Coast Guard Group Commander and his crew along with all the appropriate people from the Corps, from the city and from the state were involved in this exercise.

The river was running fast then, it was cold, both in the air and the river water was cold. And while we had I think a very good exercise, what we found is that if we had a major accident in the river at that time and with most of the folks going into the river, and we simulated this with blocks of wood during that exercise, we found that we could probably have recovered only 20 to 30 percent of the people. If we had a major accident of that kind, there probably would be a large loss of life. And so what it points out, no matter how many, if you will, fire engines or response resources you have, prevention is really very, very important in this area.

We also last year held an exercise in Lake Pontchartrain and we will do that again. It will focus around, again, an accident with the gaming vessels on the lake. We plan on working with the people in Baton Rouge to also hold an exercise before the first gaming vessel goes into operation, and that exercise in Baton Rouge is being coordinated by the East Baton Rouge Parish Office of Emergency Preparedness. We will work with them to figure out what the strengths and weaknesses are in our response capability in that area.

Shifting now to the major operation which we put into effect on the 24th of March, an operation called "Safe River". Of course, we have been asked many times why we wanted to do that, why I wanted to do that. And I was concerned about the accident rate. We have a chart which is behind the cameraman over here, which shows intuitively that accidents have gone up when the water is high and gone down when it is not high. We started last fall to look at that and see if we could not do something about that. And so there were initiatives that we put into effect. And still, in March this year, we started to have several accidents and I was concerned and felt that many of these could have been prevented if the people had been more aware, if they had been more vigilant and if they had paid attention.

I was out of town one weekend and I got a call that there were four accidents. One had to do with a vessel that was tied up to a grain elevator and after it had loaded the grain, they had not taken the slack out of their lines. As a result of that, they lost control of the vessel, it broke free. Later on, they needed to drop anchor as they were drifting down the river, the anchor landed on top of a natural gas pipeline and they really could not get the anchor off the pipeline, they had to let the anchor go in that process.

That was followed by a couple more collisions in the river, all within about a four or five day period in March. I felt that the measures we put into place had not taken effect and so we said what else could we do to be able to raise people's awareness be-

cause the river was predicted to go higher. In fact, it is the highest now that it has been since 1983, according to the Corps of Engineers.

So that is why we are doing it. And of course there are a myriad of factors which go into making up an accident and we will talk about that in a second, but one of those is complacency and awareness. And there are some—very few, but some—who are not minding their "P"s and "Q"s. There are ten elements. I will go over them very quickly:

One is what we call in the service, personal accountability. We all have responsibility for our own actions, but for those who have not been responsible, they need to be held accountable for their actions as well. And the law allows for several things. If it is a licensed person operating under their license, there can be a suspension or revocation hearing. But, we do not have that opportunity for foreign masters because they do not have Coast Guard licenses. And most of the pilots do not operate—while they have a Coast Guard license, we do not have authority over the license if they are operating on a foreign vessel or a U.S. flagged vessel coming from a foreign port. So the only sanction that we have really for those who may be negligent is a civil penalty which is in law, that is a $1000 penalty. We have not really used that one very much, but we announced that we would be using that more.

The second area had to do with looking at both increased civil and criminal penalties. We will pursue those to the fullest extent where it was shown that the operator was negligent. At that time, we had a tank vessel that had come from Houston, there was a fire in Houston and it needed to have a Coast Guard examination before it loaded hazardous cargo. It did not do that, they knew they did not do that. They came here with the hazardous cargo. We were able to do an investigation with both our special agents and people from the FBI who were able to find that they were negligent, criminally so, so the master of that vessel was arrested and he was taken before the U.S. Attorney in Houston.

We also decided that we would issue fewer deviations from the safety regulations. The Captain of the Port has authority to be able to issue deviations if the vessel is not in complete compliance with the regulations. Some of the regulations are more important than others and depending upon what other conditions happen—for instance, if the vessel lost its anchor, we did not require it to get another anchor before it left. If it happened again, we would, and they would have to have a second anchor before they left port. So we are increasing—we are turning that up a notch. All this was announced in a notice to mariners and again, it really was an awareness kind of an issue.

We decided, as we reported last November, to extend the barge fleeting regulated navigation area from mile 127 up to Baton Rouge. That was a plan that was already underway, but we accelerated that by going to an interim final rulemaking, which is now in Washington, D.C. and should be published very shortly. Once that happens, we will be able to get public.

We asked the towing industry to work with us and develop horsepower and towboat standards. If you were on the tow yesterday around the Algiers Point, you know that a tow coming up river

at that point has to have enough power to be able to get around that point. If they do not do that very quickly, if they hang there for a long time, they cause traffic congestion and that is a safety concern. In fact, Captain Thompson has introduced an operation which he is calling "Slug Tug." If we have one which is taking too long, we are able to modify that right now. But there are points in the river where we need to be able to have horsepower and towboat standards like we do in other places in the river. We have it in St. Louis, we have it over in Morgan City, when the river is high and running. So we are in the process of doing that.

We want to increase interaction with the state and local people. State and local folks have authority they can apply to the situation.

We have increased our Coast Guard patrols on the rivers. In fact, we have always had patrols on the river, but we increased them to the point we had 35 more sorties with 127 hours and contacted more than 260 vessels during this time.

We also increased our port state control. We had one team dedicated to that out of the Captain of the Port's office, Captain Thompson's office. We increased that to three. We have also met with the state of Louisiana to be able to increase the number of people on board who can control a ferry if they had a problem. As you can remember, we had a situation where the pilot ended up with a medical concern and he was not able to steer the vessel and it was out of control for awhile. What will happen now is, while there might not necessarily be a second licensed person on board, there will be a second person on board who is up and aware and will be able to take over and control, steer those vessels to safety in the process. It could be a pilot, but does not necessarily have to be, but that will be a part of the manning of the vessel.

Prior to that effort, we had met with towing industry leaders and I think they have been responsive, to be able to work with us on a variety of issues.

You mentioned the traffic lights. After our last hearing in November, we sent a letter to our Headquarters saying we thought it was very important to have these lights operate year-round. Like you, we are anxious to have the VTS which is envisioned in New Orleans. We believe it will be very helpful for safety. But, we will not have that for awhile. And in the meantime, we would like to have the traffic lights operated year-round. That will take seven people, and in our recent discussions at Coast Guard Headquarters, I think we have been able to find those people. I think there has been some discussion with your staff on that and we appreciate the help in that area. So we expect in the near future to have them available to us to be able to have year-round operations. We will need to decide exactly what it will be in low water. Certainly the information is very important and maybe the regulations will be a little different than they are during high water because high water is more dangerous. But just having them there and having them be able to talk with the vessels, both up bound and down bound will make a big difference, we think. And it will be a good interim step before we put in the VTS. So we are happy about that and we are happy about the prospect for that to happen.

We have continued to do evaluations of gaming vessels, the site location, to make sure they are not parked in places which would

be unsafe along the river. We have also been working with the port on this risk assessment, which you have heard of. There is a contractor right now who is doing that. Risk is not an easy thing to be able to measure and we know that the vessels will be at risk in some way. The question is what that risk is and how can it be controlled and we are hoping that the information we find from that risk assessment will help us to be able to do that.

We have already taken certain measures with the one vessel which is operating in New Orleans down here, the Queen of New Orleans. They have operational controls, they are required to check in with the traffic lights. They also require two pilots on board. So there have been extra manning and operational things placed on that vessel, as we look at the safety of that.

Accidents; we have a small graph here and all it really shows is that in the period of time from January really through May when the river is high, we have a lot more accidents. That averages about five per month. In the time from June through November, when the water is low we only have about 1.5 per month. We have a lot more work to do with the data we have in the accident data base to figure out what these things mean. But high water is a factor, fog is a factor. As you saw yesterday, tough maneuvering situations are a factor. Vessel and towboat controllability, how well they can steer and all that is a factor. Vessel age is a factor. Operator experience and the human element are factors. And that is one that I know Admiral Henn has started to work on. I do not have the job yet, but I intend to continue that and do more in that area. But it is not something that we can do alone because the people who operate the vessels are the ones that know the best. Hopefully we can work together with them to figure out what additional remedies we can take to reduce the concerns.

As you are aware, there are many initiatives going on nationwide in Coast Guard headquarters. I will not go over those again, a summary of those is in the testimony.

I would just like to say that no one organization can do this alone. My goal for Operation Safe River was, if you will, to ring a very loud clang that says "please be careful out there" because it is a dangerous river. The Coast Guard has certain authorities that we can exercise, and we are doing that. I think we have been very active from the field perspective. The industry has been responsive and they have listened. There is a lot that we can do together like what we have done on the bridges, and I expect that we will be doing more of those things in conjunction.

We had four accidents in April after we announced Operation Safe River. I do not know if that is better or worse, the average is five. I would not like to say that one less is any victory, but the river is the highest it has been in 13 years. I wish I could tell you we had none in April, that would be a good report. So we still have work to do.

We are pleased to be here today to take part in the hearing and we will be glad to answer questions when it is our turn.

[The statement of Admiral Card may be found at end of hearing.]

Mr. TAUZIN. Admiral, thank you.

We are going to deviate from normal practice and go right to some questions with you before we take our other witnesses and do some exchange.

Admiral, you put your finger on the word "risk". Vessels are at risk out there. I want to summarize a couple of statements you made. Between January and June, the river is prone to fog, we have 300 percent more accidents during that period of time. In the test daylight drill you did on a simulated accident with the riverboat gambling vessel, you indicated that in this daylight drill using blocks of wood to simulate passengers in the water, you were able to estimate saving 20 to 30 percent of those passengers. My calculation on a 3000 passenger cruise is that 2100 people would drown, or would be lost. You were simulating your test with blocks of wood. How close is that to passengers who do not have life jackets on?

Admiral CARD. It is a difficult judgment, Mr. Chairman. Let me say that, as I said before, even in good times when someone falls into the river, it is risky. The river is fast. It is not as fast in July as it is in January, but it is still fast, and so it is a difficult thing to be able to rescue people. We do it if they are close to the shore. I think the simulation with wood was like any simulation, you cannot really tell.

One thing we should not forget about though and that is we really do try to build lots of safety into the vessels. They are required to have subdivision and compartmentation. We would like for that to be the best lifeboat they have, and so we would like not to have all the people in the water. But I think the main thing that our exercise points out is that prevention is very, very important; safe operations and preventing the accident in the first place. Because there is not a way that we are going to be able to save them all..

Mr. TAUZIN. Let us talk about prevention. You tell me that in your simulation, unless those passengers are close to the shore, they are lost in the current, maybe as many as 2000 people are lost in the river. You indicate in your testimony that the masters of the Queen of New Orleans have already decided not to get underway at night during high water periods. However, you mentioned that the master of the Queen of New Orleans was required to justify to state authorities a decision to remain dockside for gaming when nearby excursion vessels were in fact getting under way. Is there pressure being exerted on this first gaming vessel to get underway in periods of time that you think may be unsafe for it to do so?

Admiral CARD. Mr. Chairman, I think we sensed a little bit of that. Perhaps it was, as the startup of these operations, not understanding all the various conditions, and we wanted the state to be very clear that we felt that the master has to have that total discretion and there really should be no pressure put on them to do that. We have seen in previous operations where, if you will, a company that may not have very high standards wants their people to operate at night time or in fog when they should not. And that is not good, that is not a good precedent. The captain of the vessel who has lots of experience, has to have that total flexibility without any outside pressure, and so we want to make sure that we communicate very clearly to this state that they should not do that and there should not be anything negative discerned. We know there

has been a lot of discussion about that, there is another vessel that is operating on the lake and there has been a lot of press about the flexibility. But we think that that is one of the things that they train for and they should have that discretion. I am sure they do that in conjunction with the people who operate the company as well, but he needs to have that discretion.

Mr. TAUZIN. Should that boat be in the water at all during periods of high water? Should it be sailing right now even in day time conditions in these periods of high water with very dangerous eddies and currents, along with risks of vessels losing power or steerage as this one did on April 28th.

Admiral CARD. As you know, Mr. Chairman, that has been a topic for heavy discussion in the state for a long time. One of the many options that we will have with the risk assessment is to say stay at the dock, do not get underway. Certainly they have been able to operate safely during the day time, they have done that. They have good people on board. So it is one of the many options that are available, as we look at the hazards and the risks. I think, if I remember from talking with the fellow down there, that when the river got to 15.5 feet, I thought they said they were going to stay at the dock day and night. But I do not know how—if it is operated that way. But I knew they were doing it at night time.

Should they? There is no question if a vessel is tied to the dock, it is at less risk than if it is underway—there is no question about that. Are there rules which can be put in place and a safe regime put in place to make it safe enough when it is underway? That is what we are looking at with the risk assessment.

Mr. TAUZIN. Well here is my concern. We do not have the vessel tracking system in place, it has been canceled and until we build a new one, we are like an airport without a tower. And all you can do is ring a bell and say please be careful out there.

Secondly, we are in a period of high water in a period of time when fog conditions are bad, and a period of time when your own statistics indicate a three-fold increase in accident rates. Couple that with your testimony in Baton Rouge that once in seven days, which is on the increase, a foreign flagged vessel is losing power and steerage in that river. Combine that with your simulation that says if the worst happens you would have 2100, perhaps more, people lost in that river. These people came to take a risk with their pocketbook, not their lives. I raise the serious question as to whether or not pressure should be put on these ships to sail under these conditions.

It seems to me that as we begin the experience of riverboat gambling in Louisiana, the first experience with the Queen of New Orleans is going to be somewhat of a trend setter. I would encourage you and the district to do what you can to make sure pressure is not put upon these vessels to sail in hazardous conditions. I know we are dealing with a legal fiction, I know we are dealing with state law that, Admiral Card, you and I do not necessarily have control over. But to the extent we can ring some bells, and I am trying to ring one today. Under the State law, we could see State administrators pressuring these vessels to sail in the worst of conditions. To me, we should not see these vessels taking a risk to satisfy a legal fiction that we only are going to have one land-based

casino. That is uncalled for if we are going to have a safe gaming industry on the river. I would urge you again to do everything in your power to make sure that pressure is pointed out when it occurs, and that it is made public. In addition, to the extent we can jointly influence less of that pressure being exerted, we will work cooperatively in that vein.

I want to switch quickly now to the bridge study you are doing. The Bayou Canot bridge was struck and many lives were lost. It was a bridge over a body of water that was not navigable by law, but was in fact navigable. We saw on the tugboat the other day what a good radar system which includes proficiency in its use can do. This is what we require in the new bill we are trying to pass. A good radar system would have told the captain of that vessel to stay out of that area, park your boat, because you are in a fog, and there is a bridge ahead. Unfortunately that was not true. The Bayou Canot bridge was not equipped with any kind of warning devices to warn him without the advantage of radar that there was a bridge there. I have a concern in terms of the study you are doing. Is that study going to encompass all the bridges where an accident like this can happen or is it going to be limited to bridges that are technically, legally navigable by law?

Admiral CARD. Mr. Chairman, the hope is to be able to get all of those bridges—which the Bayou Canot is a navigable waterway in terms of waterways, it just was not normally navigated by navigation. We are going to try to find those that are across navigable waterways, including those like Bayou Canot. It is going to be a big job because we have, as you know much, much water in the Eighth Coast Guard District when you take in Mississippi and Alabama and Louisiana and Texas, there are lots and lots of those. And we have some 1200 or 1300 permitted bridges, we have many more which are not.

Mr. TAUZIN. One final exercise and then I will turn it over to my colleagues. Let's talk about your simulation in the river, the accident. My concern is that we do not even have a Coast Guard presence in Baton Rouge. How many gaming vessels are we going to have there?

Admiral CARD. Two or three I think.

Mr. TAUZIN. Yes. We do not even have a Coast Guard boat over there. According to the testimony taken in Baton Rouge, if something goes wrong there, you not only have a problem of responding to people in the water, you do not even have a presence to be able to get over there immediately. You have got to literally launch helicopters or some other Coast Guard presence into the area. That is a very serious concern to me for Louisiana's sake for what is happening up river in Baton Rouge. Frankly, I hope we can do something about that.

Let us assume it does happen where you can respond relatively quickly. What do you do? Take us through the steps as if a ship has now plowed into a gaming vessel and the gaming vessel is capsizing or sinking. By the way, I want to point out, the Luling ferry accident happened in broad daylight on a clear day. The Luling ferry was struck by I think a Norwegian freighter in clear daylight in the middle of the day. The vessel capsized, and people went into the water.

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Let's assume that has now happened. How do you respond? What assets do you deploy? How do you rescue the 20 or 30 percent that you can rescue?

Admiral CARD. Mr. Chairman, we have—I will go through first the command and control sort of a system that we have here. We would find immediately through the broadcast from the people who were involved that there was a problem, that would be picked up by our Group New Orleans command center, transmitted to our district command center, both of which are in New Orleans. We have group resources available to respond. We also are able to broadcast a notice to mariners to all vessels in the area, all the harbor tugs, anybody else who would be able to come to help. So we have the Coast Guard vessels dispatched immediately and we keep one on this side of the industrial lock. We also have at the air station a Belle Chase, 5 Coast Guard helicopters which too are on immediate sort of standby. So we would marshal all those resources, we would have a Coast Guard on scene coordinator to be able to direct all the various traffic and people would be there, first of all, assessing the situation and then picking up the survivors as quickly as possible. And then we would call in the Navy, the Port of New Orleans, the harbor police, all those people who have resources. And our job really as the incident commander of that sort of an event would be just to direct all the traffic, find out what is going on and be able to pull them altogether. We have here quite a few of those resources.

So from the command and control perspective, with the radios and with the discussion, we would do that, from the vessel perspective, the helicopter perspective and coordinating all the other vessels around. You can imagine that there would be confusion initially, but that is our job. We do this sort of rescue, we did it at Bayou Canot, and we do it on a regular basis. And the drill was to be able to make sure that all the various entities from the city, from the state and from the parishes can talk together and work together. There is a Southeastern Louisiana Search and Rescue Network, SELSAR. Those are the people who need to work together on this.

We would respond immediately. We have one helicopter, which is what we call Bravo Zero, which means as soon as the bell goes off the crew runs to the helicopter and they are up in the air. The other one is supposed to respond within the hour. But as was shown in Bayou Canot, we had four of those five helicopters in the air within an hour. The crew on the boat would respond immediately and of course the vessels in the river would be able, through the notice to mariners, to respond. I would say within the first five minutes they would be getting underway.

Mr. TAUZIN. And if it happened in Baton Rouge, how long would it take you to get there?

Admiral CARD. It would take us about, probably the best part of an hour to get there with our helicopter. We have a marine safety detachment in Baton Rouge, but their focus is mostly marine safety, barge inspection, accident investigation, that sort of thing.

Mr. TAUZIN. So it is not a managed control response unit?

Admiral CARD. No.

Mr. TAUZIN. So in Baton Rouge, they are an hour away from relief.

Admiral CARD. That is right.

Mr. TAUZIN. In New Orleans, you think you could crank it up within five to six minutes.

Admiral CARD. That is what we are in business to do, Mr. Chairman, to respond like that down here. It still would be a very, very serious situation and there would be lots of work to be able to coordinate all the resources.

Mr. TAUZIN. I am going to yield now to my colleague from New York, Mr. Hochbrueckner, for questions.

Mr. HOCHBRUECKNER. Thank you, Mr. Chairman.

I would like to pursue this area with the gaming boats. Coming from an engineering background, I am very interested in charts. I find this chart that you presented today to be a very educational but frightening one. I am sure most folks from this area understand the data that is in that particular chart, but I think for those who cannot see it, the message basically is that when it is high water around here, it is very, very dangerous. It seems to me that in looking over your testimony on page 8, Admiral, where you talked about the search and rescue exercise that you did on January 30 of this year, you point out that if one looks at the chart in a situation with various high water levels, and with the time the conditions during the exercise were that the water temperature was 34 degrees Fahrenheit and the air temperature was 40 degrees F., it is clear that under those circumstances, if in fact one of these gaming boats was to sink because of a collision in the river, that would be a very dangerous situation. I believe that your estimates of the lives lost are very accurate. That is a tremendous number of people to lose.

So along those lines, it seems to me the present status of the gaming boats, or at least the one that we were able to see, indicates that they already stay docked quite a bit, and what they tend to do, I guess, to meet state requirements, is that they restrict the entrance of people aboard the gaming boat as if they were out cruising. So that you have an hour and a half where you cannot enter the boat even though it is at the dock. Theoretically it is potentially out cruising, even though it did not leave the dock. Then it is available and accessible for an hour and a half and then it is off again for an hour and a half. It seems to me there is the opportunity for these gaming boats to stay at dockside. As I understand it, they do not go out after 7:00 at night anyway, even though they are open until 5:00 a.m. in the morning. So it just seems to me that already the state has put in place the ability of a boat to stay at dockside and not cruise. It would make a lot of sense if we just extended the provision so that the boat never left dockside and therefore did not present this problem.

When one looks at this chart, it would make a lot of sense to require that the boat not leave the dock if it is bad weather, which is apparently what they do now . But it would also be rational to say that a boat should not cruise the river at a time when the water level is above some reasonably acceptable level. Obviously from your chart, the indication is that in the period from July through November is when there are the least accidents on the

river and the level is around ten feet. It would make a lot of sense to pick some number like eight feet, and restrict the boats from cruising if the water—the river is above that level.

My question for you is, in light of the responsibility that the Coast Guard has for safety on the river, what jurisdiction do you have to direct gaming boats not to cruise the river, not to leave the dock in bad weather or when the river is above some appointed level. Do you have any jurisdiction to do that? If you do not, what can we do to give you this kind of capability, so that even if the state decides not to do what is so obvious that they should do, that we could do it at the Federal level through the jurisdiction and responsibility of the Coast Guard?

Admiral CARD. Mr. Congressman, I think we have the authority to take those factors in place. The harbor already has, if you will, high water regulations. The traffic lights right now, for instance, come on when the river is eight feet and rising, and they go off, if you will, when the river is nine feet and falling. So the concept of putting in extra factors for risk when the river is higher is already there. And I would expect that the risk assessment that we are having conducted for us will take into account and will maybe include some restricted operation in high water or restricted operation when there is restricted visibility. I think all those factors will be considered when we put this together and I think you are exactly right that there may be a time when we say at this level, we believe that the risk is such, therefore you should stay tied to the dock. I think we could do that in a number of ways right now with our authority. We could, for instance, right in the vessel certificate of inspection, write those operating procedures right in the vessel's certificate of inspection for each vessel. So the authority is there to do that I believe and I do not think we need any more help or any more law to be able to do it. It is just a matter of getting the right pieces of information, the right mixture in the risk assessment to be able to do that for the vessels.

We must remember though that there are many excursion vessels that have operated from New Orleans downtown and operated very successfully and very safely for a long time. So the idea that a vessel can leave the city dock, if you will, in New Orleans and the people can go up and down the river and be able to enjoy the sites is one which is very well accepted and they have done that. And I am sure that the people who do that for a living will tell you that they understand the risks. We have support from all of those for this additional traffic light situation and also for the VTS that is coming. I would love to be the district commander when the VTS is fully operational.

So your concept, sir, is very well embodied in our assessment and we have the authority, and I think you make good points that we can look at in reducing the risk to the vessel.

Mr. HOCHBRUECKNER. Mr. Chairman, if I could just follow up with one.

We would not want to restrict the excursion vessels because people are paying to go on an excursion. But it is so obvious that people who are on the gaming vessel are there to gamble, and they are not necessarily there to go out on a river cruise. We should not necessarily put the people who are not there for cruise purposes in

danger just because the state requires that the boat cruise. There is a choice here and, as you indicate, you have the ability to put restrictions on the gaming boats now, as a function of weather as well as river level.

I thank you very much, Admiral, for your input, and thank you, Mr. Chairman.

Mr. TAUZIN. Thank you, Mr. Hochbrueckner.

I recognize now the gentleman from Texas, Mr. Green.

Mr. GREEN. Mr. Chairman, I just have two questions; one follow up on Congressman Hochbrueckner from New York. The decision now obviously—you said people making that tour, the gaming vessels, to accomplish their goal, could be, you know, easily tied up to the dock whereas someone on the other vessels could do the tours. But I know you talked about the VTS in your testimony and I am familiar a little bit with what we have in the Port of Houston. From what I understand, the technology is not there now, and that is why it is put off to 1999. Could you address that a little bit for the Committee, for, you know, a vessel transit system for the Mississippi and why is it 1999? Is it that the technology is not available or is it just——

Admiral CARD. Mr. Congressman, it is my understanding that we have a very deliberative process that we are putting into effect. I think Admiral Kime testified recently on that. The technology is coming into place. What we need to be able to do is, because it is a fairly expensive system to put into place, is to be able to have the right kind of system integration so that we have the right kinds of not only hardware but software presentations so it all works together. We are about to announce a contract—we have had a group of people working for us to put together the concepts for this—and we are about to announce a systems integration contract that people will be able to bid and figure out how to take all these pieces of equipment, the radar, the TV, some sort of dependent surveillance like they do in aircraft, put all that together so that we do have a VTS 2000.

The thinking of all that and pulling all that together in the contracting process has taken a little longer to do correctly than I think we thought initially.

So I believe the technology is there, this and Los Angeles are the next two ports that will get the VTS. So I do not think it is a matter of technology, it is a matter of being able to pull that technology together, the integration of that technology, into a very smart system that will do the best we can for the river.

Mr. GREEN. And how does that relate to—one follow up, Mr. Chairman—the VTS system at the Port of Houston that I have been able to go and watch.

Admiral CARD. I think we have been there together, Mr. Congressman.

Mr. GREEN. Yes.

Admiral CARD. In Houston, we have old technology, we have some radar. If you watch the people in Houston, what they are doing is they are manually tracking the vessels. They have little 3 by 5 cards, the vessel calls in, they move the card, there are different stations. All that, as you are aware, can be done much more—much more efficiently now——

Mr. GREEN. They have some video too.

Admiral CARD [continuing]. with computerized tracking and all that sort of business. They do not have all the radar stations that they need to have to cover the area, in fact we are putting some more in down there. So it is just that they are using older technology.

The other thing is that the concept for VTS 2000 is that it be more of a voiceless system, so that you would not have to always be talking to the people back and forth. They are very busy on the bridge, if there was some way for us to know the location of the vessel without having to talk to the pilot and the captain, and all that will be integrated as well.

Mr. TAUZIN. Will the gentleman yield?

Mr. GREEN. yes.

Mr. TAUZIN. Is it not also a problem, Admiral, with the confusion of radio signals in the area? We heard from the operator of a tugboat that one of the biggest problems is there is so much interference in radio traffic in a busy port, and that video and high tech computer tracking is much more preferable than this voice communication. Is that right?

Admiral CARD. We do have a problem in this area with the radio communications. Cellular phones and beeper systems and everything else start infringing back and forth, that is a big issue. Radio discipline is also an issue. People get on there and send grocery lists and that sort of thing, which does not help too much.

Mr. GREEN. Thank you, Mr. Chairman.

Mr. TAUZIN. Thank you, Mr. Green.

I recognize our colleague from Arkansas, Ms. Lambert.

Ms. LAMBERT. Thank you, Mr. Chairman.

I think that one of the issues that has been clear and brought to the forefront here is that there are many factors we cannot control, whether it is high water or a multitude of other things, fog, and currents in the river. And having grown up on the Mississippi, I have recognized all of those first-hand.

The things that we can do something about is what we are trying to address here, and I think that many of your studies have produced some of the ways that we could improve as far as safety and other things are concerned.

A couple of questions that I guess are more in line with my area of the river. When you talk about the gaming vessels in Mississippi, especially on the Mississippi side of the river, those that are in my territory, along the river in my district, have to be confined, or most of them are confined, they are not movable. However, we have found that in the high water, several of those have had to shut down because they do run the risk of getting loose into the river. In that case, the jurisdiction begins to get fuzzy as to who is going to be responsible in those areas. I am assuming the Coast Guard would be responsible in the event that those gaming vessels that are somewhat land-locked, get loose, get out and pose a problem. Do they become solely your jurisdiction?

Admiral CARD. It is a little bit complex, but if a vessel—we call it substantially moored, and we check that mooring, and I have spent time also up in St. Louis, so we have many of those kinds of attraction vessels. What we do is check the mooring systems to

make sure they can handle it. But when you have extraordinary weather like you do right now—I was at Natchez over the weekend and the river up there is at least four or five feet above flood stage—we have a responsibility for safety up and down the waterway. What we should be doing in that case is making sure that the mooring system and the people responsible for those mooring systems are doing what they need to be doing to ensure that they are safe. And if they have to be doubled up some more or whatever, they need to do that. So we have that responsibility.

Ms. LAMBERT. In that site selection process where you review and grant the approval for the gaming vessels, you do that along with the Corps of Engineers. Does that seem to be a good working relationship in coming up with the site selection, that process?

Admiral CARD. Absolutely. When we work with the Corps, we do that for many, many other areas, that is not a problem. There are some situations where there is no Corps permit needed. In those cases, we need to get involved early in the process so if we have a concern, people know about it before they start investing a lot of money and doing certain things.

In Louisiana where we have had some of that concern, we work with the state on that and let them know, and we are still working on that issue. But when there is a Corps permit involved, we get involved early on, we get the notification and that is an ideal avenue for us to be able to indicate our position and our concerns.

Ms. LAMBERT. Can I ask two more brief questions?

Mr. TAUZIN. Of course.

Ms. LAMBERT. One is, what would be the additional funding that might be necessary to extend the Algiers traffic control light for a year-round operation?

Admiral CARD. Most of the funding that would be required is in the people. We are finding—my understanding is we have found those people inside of the Coast Guard through some reprogramming efforts and some other streamlining of things that we were doing. There could still be some minor moneys in modification where their offices, if you will, it is up in a tower and it will need a little bit of work there, but that is not very major. The biggest funding is with the people.

Ms. LAMBERT. The last question would be, when we talk about things that we do have control over and can certainly do something about, in your opinion, these gaming vessels that are out there, do they have the adequate power and the rudder control in order to be controllable on the river in instances that we are seeing currently in the harbor here? For instance, where you have to have somewhat immediate reaction and be able to maneuver well, especially during high water?

Admiral CARD. They are all built, substantial vessels most all of them with pretty good steering. We have been on the one that is out there right now, the Queen of New Orleans. The Captain of the Port and his people have ridden on it. We have done sea trials in the high water and it seems to be very maneuverable, so that is not a concern, its ability to be able to maneuver in the river. We need to make sure that all of them are of that ability, if they are in the river and are going to be operating there. Many are operating in locations where there is not much current, you know, like

in Lake Pontchartrain, it is a different story, but they effectively have that control. The law requires they be paddlewheel driven, but they have boosters down below that they did not have 150 years ago, to get them along the way.

Ms. LAMBERT. Thank you, Mr. Chairman.

Mr. TAUZIN. Thank you very much, Ms. Lambert.

I wanted to point out, Admiral, that we saw the incredible eddies that are created in high water conditions right at Algiers Point. One eddy on the east side of the river was flowing in one direction and the other eddy, on the west side of the river, was flowing in the other direction. We heard from the tugboat captain that they have to come in almost sideways as they approach the turn, and let the current take them around. If they come in too far to one side or the other, they can be flipped around in one direction and they can be spun around in the other direction or end up against the banks of the river. So, we have a situation obviously right here in New Orleans that you can watch from the hotels along the river. You can literally watch the boats going sideways almost down the river at that point. That is exactly the area this gaming vessel was traveling. We watched it amidst all kinds of other traffic, like ferries crossing, tows laden with grains or oil products and freighters moving on the river. We watched all this going on, and even took some pictures of some of the congestion of traffic in this extraordinary deep water turn in the river with these big eddies. I have the feeling that that is a dangerous place to operate, if anything should go wrong. If you lose steering or power in the middle of that operation, you have some real problems. Was that not where the ferry actually lost control because the operator lost consciousness for awhile?

Admiral CARD. That is right.

Mr. TAUZIN. Did that ferry actually turn lazy circles as it drifted down the river during that event?

Admiral CARD. That is the report I got, yes, sir. I should point out though that one of the things we can also control is the area of operation, and if we again in our risk assessment feel that maybe further upriver is better for them than further downriver or whatever, we can pay attention to that as well.

Mr. TAUZIN. You jumped right into the question I was going to ask you. Can we require these gaming vessels to operate on routes for them less dangerous areas of the river than around Algiers Point?

Admiral CARD. Yes, sir, we can, and that is a part of the assessment that we are looking at. I would think that when we have the final mixture of things, that will be included.

Mr. TAUZIN. One final thing, Admiral, and I will ask you if you can stay, we would appreciate it, unless you need to head back to the office.

Admiral CARD. You are my work today, sir, I am here as long as you are here.

Mr. TAUZIN. Thank you. I am not going to ask you how you did at the tables on that boat, by the way. What I do want to know is, we are looking at some more gaming vessels in St. Charles Parish. What is your response time in case of an accident in the river

along St. Charles Parish? That is where the Luling ferry went down.

Admiral CARD. We are probably, I would say 15 or so minutes up there, 15 to 20 minutes by helicopter, a little longer by boat.

Mr. TAUZIN. Even in an area as close as Luling, we are talking about 15–20 minutes of the event before Coast Guard can be present on the scene to coordinate rescue.

Admiral CARD. Yes, sir.

Mr. TAUZIN. And of course, do I have to say the obvious that the further away we are from Coast Guard presence, perhaps the more careful we have to be about requirements for sailing these vessels?

Admiral CARD. Not to me, sir.

Mr. TAUZIN. All right, sir, thank you.

Admiral, again, if you would stand by.

Mr. TAUZIN. I want to introduce the rest of our panel. We are pleased to have a very knowledgeable collection of individuals today. First of all, Mr. George Duffy, who is Chairman of Governor's Task Force on Maritime Industry from the Office of the Governor and he is accompanied by Mr. Ron Brinson who is a member of the task force. Ron is the President and CEO of the Board of Commissioners of the Port of New Orleans, the very area we are discussing today. Finally, we have on the panel Mr. Rick Burgard, who is President of the Maritime Navigation Safety Association. He is also very active with the Coast Guard in terms of advising and counseling them in these very critical areas. I want to welcome you gentlemen. And I understand, Mr. Duffy, you will be first to present your testimony.

Again, if you will summarize for us, your written testimony is part of the record. Mr. Duffy.

STATEMENT OF GEORGE DUFFY, CHAIRMAN, GOVERNOR'S TASK FORCE ON MARITIME INDUSTRY, OFFICE OF THE GOVERNOR, STATE OF LOUISIANA

Mr. DUFFY. Thank you, Mr. Chairman. We appreciate your coming down here and taking a look at the river system, and I think hands-on seeing it out there makes it a lot easier to understand when people start talking about the many problems.

But we also want to start off in summation of my testimony to give you an idea of the amount of traffic that flows on this river system here. We are moving over 6000 inbound vessels of various deadweights, up to 200,000 deadweight tons, on this river system inward. Each vessel may move two or three times while it is in the port limits. The port limits here are combined in five port authorities and a total of 232 miles on the Mississippi River. This here is just a list, which I would like to submit into testimony, of the vessels that transit zone 2. And zone 2 is from the Pilot Town station to the Continental grain elevator which is on the opposite side of Audubon Park here in New Orleans.

Mr. TAUZIN. To make it clear for the Members, is it from the mouth of the river to this station here in New Orleans?

Mr. DUFFY. Twenty miles above the mouth of the river is this zone 2.

Mr. TAUZIN. OK, 20 miles above to here?

Mr. DUFFY. Yes. And it lists the number of vessels that transit and their movements within the river system and it shows that we have in excess of 15,000 vessel movements here, ocean-going vessels, on a yearly basis.

Mr. TAUZIN. Right.

Mr. DUFFY. The towboat industry adds approximately another 500,000 vessel movements. That does not take into consideration the offshore supply industry or commercial fishermen or the pleasure craft. I hope that will give some kind of an overview of the large amount of traffic that transits this river.

I think if we look at a comparison chart that would be done, then that chart would be less scary and I think a lot of that is done through the experience and professionalism of the pilots and the mariners that operate on this river system here.

Operation Safe River was accepted by the maritime industry as we have been working—as the Chairman of the Governor's Task Force, we have many different entities represented—we have been working for the last two years on many issues of riverboat safety, vessel safety and the gaming industry, which is our new aspect into the maritime industry. Our Subcommittee on the safety of the river system has put forth 14 points which are included in the testimony, which were directed specifically to the gaming industry, and our concern, with the addition of this industry into the traffic volume that is handled on the entire system.

Besides the Mississippi River, we also have the Mississippi Gulf outlet, which is a 75 mile stretch that transits parallel to the river and runs up through the St. Bernard—Placquemine/St. Bernard and into the Port of New Orleans. This area combined is also included in these totals of river traffic.

One of the problems that we see with Operation Safe River is the funding issue. Two or three marine safety vessel groups would be equivalent to having three state police units patrolling from the Mississippi border to Baton Rouge, issuing licenses, issuing citations and inspections also. To give a landside equivalent to what we are doing there, I think that speaks for itself. We applaud the Coast Guard's effort, but we solicit from your committee the financial support they need to do this job, it is a tremendous job. Awareness is one thing, but Coast Guard presence on board a vessel coming into this port, checking to see the safety certificates are in effect and that they have performed all the maneuverable requirements of the vessel and tested these prior to arrival into the port. This will enforce, worldwide, the message that we want safe operators in here and safe vessels. I think this is a very important follow up to Operation Safe River.

We have looked at many areas along the river and things that we could do with river safety. And one of the recommendations that came out of many of the maritime groups here was the potential of looking at the Bonnet Carre spillway to divert some of this water that is coming down right now. We are under extremely high current conditions as well as high river. The river was originally supposed to crest today at 17.5 feet on the Carrollton gauge and that is the highest it has been since I believe 1983. The river now has tapered off to and the crest will be at 16.5 feet on May 6. We are

looking at a one foot drop but we are looking at tremendous velocity of river current here.

In discussions with General Witherspoon in the Vicksburg Division of the Corps, we met with a group of the maritime industry and the general staff and the New Orleans District staff here last Friday morning to further explore the potential of diverting some of this water to lessen the current. It would also reduce pressure on the levee systems that would help prevent similar situations as the Balsa 39, when it ran into the levee. The spillway system is a floodway system, but with a navigational tie-in, a major sized vessel that had penetrated that levee rather than a smaller one, and we would have a flood control problem. So we are trying to tie that in together as a means of trying to help when we get into these high river conditions.

One of the differences this year is all the mariners indicate that the river is running heavier and quicker than it has before, the current is the issue. And we are looking to work with the Corps to come up with better evaluations of the current versus the sediment in the river. At an eight knot current and a low sediment, you have less forces working against the vessel than you do with heavy sediment in the water. This is something that we are looking at as another means of trying to look into the details of what the river is doing which affects the maritime industry.

The VTS system we support, but we support a VTS system that is fully mandatory. Everyone has to participate. If they do not, then the system will not work. We have had that experience before.

We need an actual system that tells us where the vessels are similar to the air traffic control system. This would require transponders or similar type electronics that would go to a satellite and give an accurate ready position, not a five minute delay on a position, but an actual ready position similar to the air traffic control system. What it takes to complete this system will be very costly. The goal was here to segment the system. We feel that this river for 232 miles is a very heavily traveled river and we do not need it just for Algiers Point, but we need it for the entire river system.

The efforts of the mariners and what they can do on the vessels and the ships, with worldwide classification societies, have been working throughout the maritime industry. Being a member of the maritime industry other than as Chairman of the Task Force, my company represents approximately 50 to 65 major shipowners worldwide. There has been a problem with over-age vessels and lack of inspection and lack of enforcement by many class societies. Many of the P&I insurance clubs throughout the world have been working with the classification societies, the Coast Guard and other units throughout the world who are involved with vessel conditions. I think you will see an effort to move forward on improving the vessel condition.

Operation Safe River, with the proper manning here, will help to find those who are the ones that are not the major but the minor problems that we see and the ones that are really the ones that cause the accidents on the river.

As far as manning is concerned, some of the problems that we have seen is that the manning within the Coast Guard is the rotationary basis. One of the suggestions that was put forth was

that we intertwine civilian employees into the marine inspection unit so that we will have a stability here of individuals who will be permanently based here rather than be subject to normal rotation of the Coast Guard. This is being done in many other areas in the Coast Guard and I think that this would be an addition here not only in the vessel inspection but also in the barge inspection area.

The ports along the river have run risk analysis and we are looking at various entities of the gaming industries and what the risks are and where the locations are. These are very critical. We were talking about earlier an accident occurring on the river and a demonstration, a fire on the river, was it at night, what is the percentage of loss factor when that occurs. We have people here in our audience who experience an actual what will happen when the Union Faith situation occurred and what if it was a gaming vessel. These are things we must pay attention to. I think with prudence and the operators that we see today who are willing to put forth an effort and say I need to stay at the dock if it needs to stay at the dock, I think we need to support them no matter what is said as far as the state level is concerned. I think the importance of this and the following through with the training, the education of the mariners, the enforcement of the rules and regulations will lead us to have a safer river here and with the increasing volume that we hope to attain over the years to come, with the improvement of the VTS system.

And the final thing I would like to mention again just briefly is the radio system. This is a serious problem, it is a problem whereby interference on the radio marine units. I have summarized that in my testimony and I think that needs to be looked at on the Federal level.

Thank you, Representative Tauzin, for the opportunity to speak to the Committee this morning.

Mr. TAUZIN. Mr. Duffy, thank you very much.

You are accompanied, I know, by Mr. Brinson. Mr. Brinson, you have got a written statement in the record, would you like to add anything?

Mr. BRINSON. Yes, I would.

Mr. TAUZIN. Please do so, sir.

[The statement of Mr. Duffy may be found at end of hearing.]

STATEMENT OF J. RON BRINSON, PRESIDENT AND CEO, THE PORT OF NEW ORLEANS, LOUISIANA

Mr. BRINSON. First of all, we very much appreciate the presence of you and your colleagues. And I think we should say, Mr. Chairman, this state's maritime industry very much appreciates your leadership and your abiding interest in our industry.

I have given the Committee a summary of the work of our port authority in trying to get ready for these gaming boats. But in view of the discussion that has gone on, I wonder if I might just take a few minutes to talk about some of the public policy aspects.

Mr. TAUZIN. Yes.

Mr. BRINSON. First of all, our legislature has passed riverboat gaming legislation, authorizing 15 of these vessels throughout Louisiana. Six are authorized for Orleans Parish, or up to six. We are

now planning to accommodate four within Orleans Parish on the river. I can tell you, Mr. Chairman, this has been truly a unique planning experience. We looked all over the world for a case study to give us some guidance as to how to handle this, both in terms of operations and public policy.

We need to appreciate first of all that this law was passed as an economic development initiative and indeed it is. Each one of these operations will be capitalized on average at $80 million. Each one of these operations on average will employ directly on the payroll 700 persons, each one of these on average will be paid $30,000 a year. The state is anticipating around $200 million a year of tax revenues. The city of New Orleans, just based on the fleet of four that we intend to accommodate, should anticipate between 15 and 20 million dollars a year. So in any profiling of this, what we have is a nascent industry that promises all sort of benefits to government agencies and certainly a lot of economic benefits.

As a public port authority, we were petitioned early, some 12 different prospective operators approached us about operating from our properties, that list has now been narrowed to four. We have focused on properties that have previously been in maritime use.

Our whole planning matrix though began with safety. We employed one of the top public safety experts in the world, Dr. John Granito, who is a professor at State University of New York, as our consultant, and we immediately went to the Coast Guard. All of our work has been closely coordinated with the Coast Guard.

One of the first things that we realized we had to do was to take the lead in creating a response operation. We expect delivery within the next two weeks of a high-tech, state-of-the-art specially designed public safety vessel that will create capacities for patrol, for rescue, for fire fighting. There will be an emergency technician operation aboard and indeed one part of the vessel will be very much an emergency room suite. It will have a combination of power, including jets because we think that it has to be high speed. This boat will in fact shadow all of these vessels once they are up and operating.

One of the most important parts of our planning matrix has been the risk analysis that we have designed in coordination with the Coast Guard, and that work is now underway, we expect it on a timely basis, and what this will provide for us and the Coast Guard is the ability to understand the risk of one side as opposed to another or one stretch of the river as opposed to other stretches in terms of operations.

We have talked a lot today about these vessels underway. I think we need to also appreciate the fact that if they are at the dock, that does not completely eliminate the safety issues. In fact, our work is really incomplete today in terms of which is safer, a boat that is underway and the ability to get out of the way of danger, if you will, or a vessel that is at the dock and in the way.

Now Mr. Chairman, we have a staff of lawyers who do nothing but tend to cases involved in ships hitting our docks, and the Coast Guard has done quite a good job in documenting the rising number of incidents of power and steerage failure. I think the Coast Guard has also done a good job, and maybe the first important step in risk analysis with that chart there. When the river is high, the river is

fat and fast and sassy. The river has been unusually high over the last 18 months and so we know that there is an enhanced safety issue when the river is high.

But simply putting these vessels at dock permanently does not remove the ultimate risk. If you have a vessel at dock with 3000 people aboard struck by a vessel is going to create the same kind of prospects of a real disaster as a vessel being struck while underway.

My point here is that our quest for the ultimate safety conditions should not just end with putting these things at dock. In our view, the ultimate safety conditions can be achieved by putting them at dock, but also requiring there be some infrastructure safety around these vessels so that they might in some way be buffered from any vessel that would be out of control.

Let me just finish off my summary by echoing the point that Mr. Duffy was making. We very much appreciate the Coast Guard's leadership. It has been my observation in the 20 years I have been in this industry that the Coast Guard is one Federal agency that does a lot with a little. Their people are always so professional, and that has indeed been our experience here in New Orleans, particularly with Admiral Card and Captain Thompson. We very much appreciate the initiatives of Operation Safe River. Our context though must be that the Mississippi River is an extremely important, strategically important waterway, not only for Louisiana but for this entire country. It is a commercial river. It is today a very safe operation. As safe as it is though, we must always be looking for higher levels of safety, and I think that is the true objective of our discussions here today. I can assure you that as a public port authority for the Port of New Orleans, our quest is for maximum safety as we try to discharge the duties of these new public policies.

Thank you, Mr. Chairman.

Mr. TAUZIN. Thank you, Mr. Brinson.

Our final witness is Mr. Rick Burgard, President of the Maritime Navigation Safety Association. Rick, glad to have you here, sir.

[The statement of Mr. Brinson may be found at end of hearing.]

STATEMENT OF RICK BURGARD, PRESIDENT, MARITIME NAVIGATION SAFETY ASSOCIATION

Mr. BURGARD. Good morning. Thank you, Chairman Tauzin and Members.

Mr. TAUZIN. What is wrong with your arm, Rick?

Mr. BURGARD. Golf injury.

[Laughter.]

Mr. BURGARD. I would like to thank you all for the opportunity to speak on behalf of mariners today. I am going to summarize my statement and not keep you, knowing you are from Louisiana and a lot of us here would also like to go eat at 12:00.

My name is Rick Burgard and I am the President of the Maritime Navigation Safety Association, which is also known as MNSA in this region. Our membership is made up of companies actively involved in both shallow and deep draft operations on the lower Mississippi River. That is from the Head of Passes to Baton Rouge. Our bipartisan purpose is to represent all the men and women who on a daily basis literally today get their feet wet. When I go back

to work today, I have to figure out how to get to my office. We are on the river and our roadway is flooded out today. So we know a lot about high river.

MNSA's purpose or our objective is to promote open communications between all active mariners and to provide a forum in which that communication can take place. We want to see everyone involved get the maximum use of the waterway, with maximum efficiency, while maintaining maximum safety.

I would like to add to what Mr. Duffy said, over the last 10 or 15 years, mariners have noticed significant changes on the lower Mississippi River. We are having more problems with current and plenty of people are noticing that. The river traffic has increased, the vessels are larger, there are fewer U.S. flagged vessels and more foreign ships in port. Now we must also factor in the introduction of gaming vessels, which are going to be introduced in the most congested areas of the river. All this, compounded with the fact that the river is cresting unusually high this year, has made safety a number one priority for everyone involved with river traffic.

MNSA does applaud Admiral Card's Operation Safe River. We do applaud any measure which protects lives and facilitates the safe transportation of America's commodities. We would like to point out, however, that the Mississippi River is a peculiar and it is a very complicated beast. We feel that any blanket policies which would affect the entire river or large sections of it, must be considered with great care, and we feel that it is imperative that all aspects of the industry be taken into account in the formulation of these policies.

We also understand that the American Waterways Operators are actively working to develop the horsepower guidelines requested by the Coast Guard. We feel that such guidelines must, as I have mentioned, take all the players into consideration and this must be designed and implemented so as not to interfere with daily business on the river.

At MNSA's most recent general meeting, the consensus—and this being shallow and deep draft companies—the consensus was that some sort of guidelines would be very useful, but that it would be extremely difficult to assign a standard guideline across the entire length of the river. The current varies too dramatically for anything but a bare minimum standard to apply everywhere. We recognize that a more detailed and complex solution is time-consuming, but we also feel that any hastily conceived, heavy-handed approach would not only disrupt the towing operations that it targets, but the deep draft vessels as well.

On the issue of extending the fleeting requirements to Baton Rouge, as of Friday we understood that this measure has technically already passed. Just as I discussed with the horsepower guidelines, we feel that great care must be taken in determining these regulations unilaterally across stretches of the river that have very little in common other than brown muddy water. I would like to point out that the maritime community itself has taken this issue to heart and has taken great strides to reduce the risk of accidents over the last few years. Many of us can remember an incident in 1973 which caused unattended barges to drift past the

Huey Long Bridge with no boats available to get them under control and to safety. During this year's high water, we have seen the charts, but some of these charts can be misleading. There have not been any significant breakaways and boats have moved quickly to control barges which have. Over the last 20 years, the approach to safety on the river has changed dramatically, not because the Coast Guard ordered a change, but because our member companies and other companies and personnel who depend upon the river recognize that accidents are dangerous and expensive. We understand that safety is sound business.

To mention again what Mr. Duffy has brought to us today, General Witherspoon of the U.S. Army Corps of Engineers agreed a week ago Friday to have his people look into the possibility of opening the Bonnet Carre spillway to alleviate some of the problems caused by high river stages. MNSA got that ball rolling several weeks ago after discussing such a possibility with George Duffy of the Governor's Task Force and Channing Hayden of the New Orleans Steamship Association. The Bonnet Carre spillway is currently intended only for flood control. Opening the spillway would reduce the current and sediment flow down the lower Miss and greatly facilitate safer navigation.

MNSA feels that the Coast Guard, our elected officials and the media would do a great service to the maritime community by helping to educate the public about maritime concerns. Help us spread the word that statistically our safety record is the best of any mode of transportation. Let me state here that MNSA welcomes the risk analysis commissioned by the Port of New Orleans at the behest of Captain Thompson, the Captain of the Port of New Orleans, and will give the research team our full support.

The lower Mississippi River port system is the largest, by tonnage, we all realize, in the world, but local citizens are only now becoming aware of the port because of the introduction of gaming vessels. I have numerous relatives that do not know what goes on on the other side of the levee, only what they see on TV.

Last weeks' grounding of a ship on the levee at Point a la Hache served to illustrate how poorly the public and the media understand the maritime industry. According to the media, the ship was a massive freighter—according to us, it was only 300 feet long. In fact, it was a very small ship. The news stated that the ship anchored on the levee and then was pulled off the levee to dock at an anchorage. Such confusion here. Commerce along the lower Miss is such a critical part of the New Orleans economy, and in fact the economy of the country, and yet even the media does not realize that you do not drop an anchor onto concrete levees. MNSA encourages all agencies and maritime concerns to focus attention on educating the general public about who we are and what we do. The grounding points to another aspect of Operation Safe River. Admiral Card, we sincerely hope that the Coast Guard will be able to dedicate more resources to inspections of foreign flag vessels so that loss of power/loss of steering incidents, such as the one last week, will decrease.

The Maritime Navigation Safety Association provides an arena in which men and women representing all aspects of the maritime community can freely air and discuss their concerns. We have

worked to establish a dialog between the riverboat casinos and the other sectors of the maritime community. Through our meetings, bulletin and membership outreach, we have tried to make sure that all users of the waterway are communicating with and learning from each other.

We are delighted that the public is taking an interest in safety on the river, a concern we all share. No one understands the potential threat of accidents on the river better than the people who work on it every day. We do support Operation Safe River as a step toward ensuring that safety.

And we thank you, Mr. Chairman and Committee Members for giving us the opportunity to speak today.

[The statement of Mr. Burgard may be found at end of hearing.]

Mr. TAUZIN. Mr. Burgard, thank you.

I want to point out that you are absolutely right in regard to literally the million people who live in and around New Orleans, who are not aware of the amount and kind of cargo being carried every day on the river. Some of this cargo is extraordinarily dangerous cargo.

I was over at the West Bank Emergency Response Office where we have set up a Federal office to monitor emergencies in the area like storms, hurricanes and disasters of all types. One of the simulations they do is a major collision on the river involving certain kinds of chemicals that are explosive in nature and settle on the river or run over the levees. They do incredible damage to the human lives who live peacefully along the banks of that levee without us ever knowing it. The incredible safety record that Mr. Duffy pointed to is a credit to both the Coast Guard, the industry, and the port authorities working together. We want to thank you for all the efforts you have made.

It is for that reason, understanding what an incredible economic asset the river is to us, and at the same time how very dangerous, she can be. That is why we came together today. And I thank you for your testimonies.

Mr. Brinson, I wanted to particularly center on your point that docking the gaming boats may pose risk as well as for them to sail the river. I certainly concur with that. However, you can create buffers for docked vessels and also docked vessels in a collision are closer to the shore. As the Admiral pointed, the simulation showed that the 20 to 30 percent of people that might be rescued are those that were closest to shore. So, there is some value to considering docking under buffered conditions when in fact conditions of sailing on the river may not be optimal. I want to make it clear, my effort in clanging these bells and ringing these alarms and joining with you and all your intense concerns for river safety is an effort to point out that it is certainly safe to sail on the river here in New Orleans if it is done properly. This means at the right times of the year and the right circumstances, as long as you have the proper equipment and tools for navigational safety. But there are other times when it is not and other places when it may not be. We need to take all that into consideration as we continue to identify the risk and resolve some questions about when and where these new entrants to river traffic are going to occur.

I am particularly concerned, as I hope you are, with the fact that most of the traffic on the river involves professionals. Most of it involves commercial operators. Not only operators of vessels but deck hands who are familiar with maritime conditions, who know what an anchorage is and a port is and who very much are acquainted with the varying conditions on the river. We are talking about a lot of innocent people who, as you pointed out, Mr. Burgard, do not even know what goes on on the other side of the levee. We also have the people who ride a gambling boat to have a little fun, not intending, as George pointed out, necessarily to want to go on a cruise, but to go play a slot machine. Suddenly they find out that by state law they are being pushed into a dangerous voyage that may cost them their lives. That is the context in which I hope we view this. We are dealing with a lot of people that have no maritime experience at all and I would urge you to consider all those factors as you work together to build a safety record for the river system that is not only good, but improving and that avoids this kind of tragedy that the Admiral unfortunately had to simulate and to examine.

Mr. Duffy, in regard to the current in the river, I wanted to ask you a questions about that. You mentioned something that intrigued me. What is different about the current today in the river, is it rich in sediments? Does it pose a different situation? Is the river bottom changing that makes the currents change? What is going on in the river?

Mr. DUFFY. We are seeing more sediment build up. If you take, for instance, right down as the passes right now, we have five hopper dredges working and two cutter heads down there. We are not at project draft, we are slightly below project draft right now, which gives us the understanding that we are getting more sediment coming down. The force relationship between current with less sediment is quite substantial with higher sediment against the vessel. So therefore you have greater forces working.

Mr. TAUZIN. So a vessel with steerage problems or weaknesses is going to be in a more difficult situation at high sediment times?

Mr. DUFFY. More strain on the rudder system, yes.

Mr. TAUZIN. So are these foreign flagged vessels that are failing once every seven days, more likely to fail in times of high water with high sediments than at other times, I suppose?

Mr. DUFFY. That is what we are looking at as a conclusion now.

Mr. TAUZIN. That is the type of risk I hope we continue to analyze as we examine the factors upon which we are going to base riverboat gambling in the future.

I want to commend you, Mr. Duffy, and your Task Force. I just read your recommendations and right at the top of them, is of course the Algiers light. Also included is Coast Guard presence in the water. I hope we can do something about that, Admiral, in regard to where these gaming boats are going to be located, not only in our state but up the whole river system. We are going to need to reallocate our resources to make sure that we have a Coast Guard presence I think in every one of these circumstances, which we do not have now. I think we have to face that fact.

I also notice that number 2 on your list was completion of the VTS. I too share your concerns that it must be mandatory, and it

must be sufficient to identify real time positions of vessels. Admiral Card, I hope that that is going to be the case. Can you give us an update, on these concerns? Will it be mandatory? Will it be real-time positioning? Will we and the industry know exactly where vessels are under that system?

Admiral CARD. Certainly, Mr. Chairman, that is the concept that we have. In fact, the mandatory nature, we had at one point put out a proposed rulemaking a year or so ago for all the existing—for instance in Houston, Mr. Green's area, it is not now mandatory although we have about 99 percent participation. We are planning on doing that nationwide.

Mr. TAUZIN. Good.

Admiral CARD. In addition, we want to use the best technology available.

Mr. TAUZIN. Will that include satellite positioning as Mr. Duffy pointed out?

Admiral CARD. I am not sure if the dependent surveillance, for instance, that they have tested up in Prince William Sound includes that, I am not sure exactly the technology.

Mr. TAUZIN. I wish you would give us a report on that.

Admiral CARD. We will do that. But we have the differential GPS which is being looked at that is also a part of, I think, your bill.

[The following was submitted:]

AUTOMATED DEPENDENT SURVEILLANCE

The Prince William Sound project installs Automated Dependent Surveillance (ADS) for long range reporting of vessels' position and identity. ADS will use the satellite-based Differential Global Positioning System (dGPS) to determine highly accurate positions of tank vessels 20,000 DWT or more while they transit Prince William Sound and its seaward approaches. These vessels will be required to install dGPS equipment and the necessary communications hardware to be compliant with ADS by July 1, 1994.

Automated Dependent Surveillance relies on participating vessels to automatically (i.e., without intervention by shipboard personnel) transmit a position signal to the Coast Guard's Vessel Traffic Center (VTC) in Valdez. The VTC receives vessel position reports and displays this information on an electronic chart. ADS complements our existing radar surveillance to allow continuous long range monitoring of tank vessels throughout their transit.

The concept of Automated Dependent Surveillance has application in New Orleans, and the VTS 2000 system intended for New Orleans will have the capability to utilize the satellite positioning technology now being installed in Prince William Sound. However, the hardware being installed in Prince William Sound is limited in its communication and display capacity and might not be suitable for use in a waterway as heavily travelled as the Lower Mississippi River. Given the diversity of shipping, especially the towing and barge industry, on the Lower Mississippi River, it is uncertain whether the ADS technology can be economically implemented in New Orleans. The Coast Guard is examining ways to apply ADS in crowded waterways in order to take advantage of its ability to reduce voice communications and its contributions to safety and efficiency.

Mr. TAUZIN. George has a big interest in that. I would like to see a report on the state of technology and whether it is going to be employed in the VTS system. As everyone knows, if you are talking about where a vessel was five minutes ago, that is too late. We have a dangerous situation on our hands at that point. I would hope that, as Mr. Green pointed out, I would hope that the technology that is emerging is incorporated in these systems as rapidly as we can ensure optimal efficiency of the systems.

One final thought, Mr. Burgard, you mentioned the Bonnet Carre spillway. Where is that right now? Is there a chance the Corps will open it? I will be meeting with them this afternoon and I will ask them that personally, but give me your update on it before I go.

Mr. BURGARD. I really do not have an update on it.

Mr. TAUZIN. Is that what happened to your arm, by the way?

[Laughter.]

Mr. DUFFY. Maybe I can answer that.

Mr. TAUZIN. Yes, if you would, Mr. Duffy.

Mr. DUFFY. The Corps declined our request at this time.

Mr. TAUZIN. Oh.

Mr. DUFFY. And they are undertaking the study, but because of the very sensitive environmental issues, they are proceeding very slowly with that.

Mr. TAUZIN. Admiral Card.

Admiral CARD. Let me add one thing to that, Mr. Chairman. I talked with the Corps on Friday as well. The other possibility we have is because they have a lot of maneuvering simulation up there in Vicksburg at the Waterways Experiment Station, we have the possibility of maybe doing some river simulation down here in the computer that will be able to help us with these safety issues and we are going to pursue that with the Corps of Engineers and we will talk with the industry about that as well. So we have the opportunity to do that and that will be an add-on perhaps for you to look at.

Mr. TAUZIN. I would hope so. I am going to be visiting with Colonel Clow this afternoon and will get a look at some of those issues. I have got flooding, as you know, down in Morgan City that is closely related to decisions on the Bonnet Carre and other things that are going to happen. What you have told me is that there is an added feature of river safety in possibly opening Bonnet Carre at the optimal point, and that is interesting. Thank you very much.

Let me yield to my friend, Mr. Hochbrueckner from New York.

Mr. HOCHBRUECKNER. Thank you, Mr. Chairman.

As an aerospace engineer myself for over 20 years, let me say there are many technologies that we have developed over time, first for military aircraft and then for commercial aircraft, that would be directly applicable in terms of what can be done to improve safety here. It is relatively easy once the differential global positioning satellite facility is in place, to know where your ship is within 20 or 30 feet, and to easily transmit that information through data links, satellite and back to a central base. In fact there are displaced systems right now available in many of our air traffic control centers that can give you a color display of everything. All of the outlines of the shore along with other information along with the ships location. The technology is there and let me assure you, I will work with the Chairman to see that New Orleans has the most capable system, especially after the cruise we took on Saturday and seeing the currents and the danger that exists at the high water stage. We will work together on that.

Mr. Duffy, I also read through the recommendations from the Governor's Task Force and of the 14 recommendations, I would just like to raise an issue and point out two of them. First on item 12, it states "Meeting to be established with all gaming boat interests

to review recommendations of safety programs and equipment on board vessels." Has that meeting occurred already or is it about to occur?

Mr. DUFFY. We have had a meeting, a public meeting with attendance of the majority of the gaming vessel interests. We are scheduled—one in fact was scheduled for tomorrow but we postponed it because of this hearing here. It will probably take place in the first week of June.

Mr. HOCHBRUECKNER. I see. Do you have an impression at this point, about what the gaming community feels about the ships actually going out. Do they care one way or another from what you know, since you have not had the meeting?

Mr. DUFFY. I think that the majority of them are interested in the safety aspect and I think it depends upon the location and river stage, which really puts into light the safety issues. I do not know that any one of them have really voiced total even opinion and I think it is because of the difference in their location that you are going to find different reactions to whether to stay at the berth or not.

Mr. HOCHBRUECKNER. I see. I guess that logically flows into item 14 of the Task Force recommendations which states "Vessels to remain at berth when channel gauge exceeds 10 feet on the rising river." essentially the task force has already looked and apparently is already game, if you will pardon the pun, to restrict cruising if the river is over 10 feet, is that what I can read into this recommendation?

Mr. DUFFY. We do not have the authority to restrict, it is a recommendation, and that recommendation is in there based on a number of meetings of Subcommittees of the mariners, the gaming interests, the barge lines, et cetera. And that is basically again to tie into the height of the river, increases of current flow.

Mr. HOCHBRUECKNER. Based on the Task Force's review of the situation, who do you feel has the jurisdiction to require gaming boats to stay at berth, depending on river height?

Mr. DUFFY. My feeling, it would be the United States Coast Guard.

Mr. HOCHBRUECKNER. Admiral Card, I assume you have the overseeing role in determining who pilots gaming boats. Do you license these boats? What kind of rules do you have about who would pilot a gaming boat?

Admiral CARD. They are licensed mariners, they have to have a certain number of years of experience and pass a series of tests that graduate up from being a mate, if you will, to captain or the pilot of the vessel. And so they have to hold a certain license for the size of the vessel and where they operate, so yes, we have control over that. And probably the same quality of a person that would operate, if you will, the Natchez, which is a big river excursion vessel, would also be licensed to operate a gaming vessel, but they have to have that pilot's license, which includes drawing the river from memory, those sorts of things.

Mr. HOCHBRUECKNER. So as with any boat on the rivers, the professionals are in charge.

Admiral CARD. Yes.

Mr. HOCHBRUECKNER. Thank you very much, Admiral.

Thank you, Mr. Chairman.

Mr. TAUZIN. Thank you, Mr. Hochbrueckner.

Now our colleague from Arkansas, Ms. Lambert.

Ms. LAMBERT. Thank you, Mr. Chairman, I will try to be brief.

I notice that Mr. Burgard brought up a comment which is quite true when you talk about the complicated beast of the river and blanket policies. I know Chairman Tauzin and I have found in our other committee that sometimes, especially in health care reform, one size does not fit all. It is the same case in the river, and I know for us being upstream, I found with my excursion on Saturday certainly the importance of the VTS program. Also the comments from those navigators and others on board, the mandatory aspect of it would be imperative, that you just cannot have a few folks playing by the rules, everyone has got to be playing by the rules, and it is critical.

But as you look upstream, knowing that the VTS system is critical here, whether or not it is cost-effective all throughout the inland waterways, brings me to the question of other ways that we can help and facilitate in better safety along the river as an artery of commerce. We are extremely pleased to see the Coast Guard taking the first initiative now in my district and the first time in the state of Arkansas on the Mississippi with the new safety team out of Memphis at the new port of Helena. We are real pleased to see that and we are glad to have that presence. I think that is one size that does fit all and that is having the presence of the Coast Guard there in areas where you could see some activity.

My question becomes is training and continuing education for the operators of the barges, the towboats, the other things, a factor there, and I notice that in the December study that was done by the Coast Guard, that was one of the specifics. It talks about equipment, manning, licensing and training. The continuing education and perhaps training that we could do in order to keep safety at the forefront, especially of those vessels farther north, as opposed to the gaming.

Admiral CARD. Yes, ma'am, I think if you look at the operators, they are trained and they are required to go through experience to get a Coast Guard license, but I think if we were to focus again, perhaps on the tragic accident over in Alabama, one of the things in training we found is that it was not consistent as it came to radar. First of all, radar is not required on towing vessels, although most have them.

Mr. TAUZIN. We are going to change that.

Ms. LAMBERT. That is right, it is in the bill.

Admiral CARD. And the way that people train on those is something which is very important. So to have a consistent level of training for people, if the radar was required on the vessel, the Coast Guard licensing process could require also the training process. That training process we would hope would raise the level of standard to the good operators that they already have. And so that is the type of thing we are talking about looking at for training.

The one size fits all sort of thing, certainly we would not want to prescribe a towboat horsepower ratio for the whole of the river. There are certain locations, if you will, perhaps Algiers Point, where there is one thing; as you get further up the river, there

might be another location when the river is high. Those are the things we need to work out with the industry to make sure what makes sense.

Ms. LAMBERT. Well I am glad to hear that because I do think that when we talk about human error, there is a multitude of ways that we can begin with continuing education and training facilities, training as a part of utilizing the additional equipment that is out there.

One last question. When we talk about the inspection of foreign flagged vessels, I know Chairman Tauzin and I both went to the Rules Committee last year in hopes of bringing back some of the money that was trying to be cut for the Coast Guard. We fought very hard for that. But when we look at these type of resources, what kind of money would be necessary to devote to the additional inspection of foreign flagged vessels that would be necessary to keep hopefully the port here in New Orleans a little safer?

Admiral CARD. I cannot answer your question directly. I do know that we had I think in the 1994 budget, we had resources that had been dedicated and I saw recently a letter from Admiral Henn that indicated how many more positions the Coast Guard is going to get in the various ports, and New Orleans being a busy one, I think we get four more officers and enlisted people here to do just that. But in addition to that, what we want to be able to do is to capitalize on the quality companies that exist, if you will, model companies, perhaps do a little less inspection on those U.S. companies which are doing everything just right and take those resources and put them on looking at the foreign vessels that are not doing nearly as well. In fact, I think it was either last week or week before last, Admiral Kime announced that over in London when he was visiting with Sea Trade, that we were going to be more and more aggressive in what we call our port stay control looking at foreign flagged vessels. And we have a combinations of flags of vessels and classification societies which we have recorded now that have a worse average and we are going to be targeting more and more of those. So I think we have got the program in place, and if there are more resources needed, I am sure the Coast Guard will not be shy to ask you all for them.

Ms. LAMBERT. So my understanding is, from the same question I asked earlier about the resources necessary for manning the Algiers light year-round, is it basically manhours is what you are looking at.

Admiral CARD. Right. We do not need dollars for travel, it is the people hours that we need to be able to do the job.

Ms. LAMBERT. Right. Thank you, Mr. Chairman.

Mr. TAUZIN. Thank you, Ms. Lambert.

Admiral, I guess Mr. Hochbrueckner put the pin on the map for us. We know you are going to Washington. We know you are going to another important assignment. Before you leave, are you willing to take the heat off of the state and give the state some direction to take the pressure off these gambling boats from sailing before a risk assessment is complete?

Admiral CARD. I think it would be premature for me to do that, Mr. Chairman. I think that we need to look at that and determine—as I said, there are lots of different possibilities including,

as the Governor's Task Force has said, that when the river is 10 feet and rising, the vessel should stay in the dock, the concept is already in the rules that we have. There are increased rules for fleeting at that time, so I do not plan on doing that.

Mr. TAUZIN. Do you plan at least a signal to the state to take the pressure off of them and let the master really——

Admiral CARD. Absolutely make sure that the captain of the vessels have absolute authority to be able to stay at the dock if they think there is a safety consideration. We will do that and if necessary I will write a letter to the Governor to do that, or I will call him on the phone. We want to make sure that takes place. But to require them to stay at the dock at this point I think is premature from—because we do not have the risk assessment.

Mr. TAUZIN. Well I can tell you that because you do not have the risk assessment. You do have evidence of a great danger out there. Maybe you ought to make an extraordinary motion at this point. Maybe before you leave Louisiana's borders, you could do something significant by saying to the Governor and to the state, that it may be better to require these vessels to stay dockside until we know the risk, particularly in these high water conditions. Or maybe stop going through Algiers Point. There are some things you can do and I urge you to look at them. You know, you and I will take a little heat for it, but I would rather us take the heat for it than to have that accident and have us deal with a couple thousand people in the water we cannot save. It just seems to me that would be a precaution well worth taking right now until we get the full risk analysis completed.

Again, I am not saying we ought not have gambling boats. That is a decision Louisiana makes as to whether it puts them in the river or not. All I am saying is to the extent that we have some jurisdiction here, perhaps we should use our influence to make sure that it is done safely. Pending the risk analysis, knowing what we know, seeing what we see, maybe some caution is advised right now to set a good example for the other gambling boats that are coming and to make sure that we do not have an accident that ruins it all.

You talked about the economic impact, Mr. Brinson, imagine one of these accidents, imagine all that investment going down the drain because it was not done right the first time. Imagine all the others waiting in line to start sailing and to start opening operations to find out they cannot do it any more because we have had a bad accident.

I am just clanging some bells here.

Admiral CARD. We will have all the information necessary to make those decisions before the other three vessels go into operation here.

Mr. TAUZIN. All I am saying here is we have one boat sailing now in the middle of high water conditions in the river. I just wish somebody would hear the bell clanging before we have a rescue on our hands.

Gentlemen, let me thank you. I hope the audience appreciates something. What you have seen today is the interaction of the Executive Branch with the Legislative Branch and the Judicial Branch of our government. I want to particularly thank Judge

Morey Sear for making his courtroom facilities available for us to conduct this legislative hearing and the assistance of his staff in helping us with the logistics for the hearing. I also want to thank Rear Admiral Card, who, as I said, is a real asset to this nation, to this area and to the entire Coast Guard operations. I also thank the gentlemen who presented testimony today.

As is our current and continued practice, our record stays open for 15 days. In fact, we will hold it open 30 days to make sure we get all comments. If anyone in the audience has comments, suggestions, or if you want to react to anything you heard today, please send us in writing your comments, your suggestions, and/or your observations about this hearing. We normally do these hearings in Washington. Every now and then, we bring them home because we have a situation we think people at home ought to be involved in. That is why we called this one here. If you have those comments, suggestions, good ideas, please get them in writing to us. We will keep the record open for an additional 30 days to complete the record.

Gentlemen, my sincere thanks. My hope is that we have rung a few bells today and that we will not have to convene again to discuss a tragedy. Instead, I hope we will be convening in months and years to come to suggest what a good job we continue to do on river safety in New Orleans and throughout the river systems of our country.

Thank you very much. With that, the hearing stands adjourned.

[Whereupon, at 12:07 p.m., the Subcommittee was adjourned; and the following was submitted for the record:]

ONE HUNDRED THIRD CONGRESS

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U.S. House of Representatives
Committee on
Merchant Marine and Fisheries
Room 1334, Longworth House Office Building
Washington, DC 20515-6230

CHIEF OF STAFF
JEFFREY R PIKE

CHIEF COUNSEL
THOMAS A KITSOS

MINORITY STAFF DIRECTOR
HARRY F BURNS JR

MINORITY CHIEF COUNSEL
CYNTHIA M W HANSON

BACKGROUND MEMORANDUM

TO: MEMBERS, SUBCOMMITTEE ON COAST GUARD AND NAVIGATION
FROM: SUBCOMMITTEE STAFF
DATE: MAY 2, 1994
RE: OVERSIGHT HEARING ON THE COAST GUARD'S "OPERATION SAFE RIVER" AND RELATED NAVIGATIONAL SAFETY ISSUES ON THE LOWER MISSISSIPPI RIVER

On Monday, May 2, 1994, at 10:00 a.m. in Courtroom C-352 of the U.S. District Courthouse Building, 500 Camp Street, New Orleans, Louisiana, the Subcommittee on Coast Guard and Navigation will conduct an oversight hearing on the Coast Guard's "Operation Safe River" and related navigational safety issues on the Lower Mississippi River.

Rear Admiral J. C. Card, Commander, Eighth District, United States Coast Guard, Mr. George Duffy, Governor's Task Force on the Maritime Industry, the Port of New Orleans, and industry witnesses have been invited to testify.

Background

On March 24, 1994, Admiral Card announced "Operation Safe River". The operation is a response to a rash of accidents on the Lower Mississippi River. Operation Safe River is the Eighth Coast Guard District's comprehensive effort to improve navigational safety on the Lower Mississippi. Many of the activities addressed by Operation Safe River coincide with safety issues that the Subcommittee has been working on over the past year. At the field hearing, the Subcommittee hopes to learn more about Operation Safe River and how its efforts to promote navigational safety on the Lower Mississippi might be improved.

Operation Safe River

Operation Safe River initiated steps to improve navigational safety on the Lower Mississippi River including:

* Increasing mariner accountability through enforcement of penalties for negligent operation.

* Increasing use of suspension and revocation proceedings for unsafe or negligent operation.

* Pursuing maximum criminal penalties for violations as appropriate.

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* Increasing use of surety bonds for civil infractions in lieu of Letters of Undertaking, as appropriate.

* Strengthening criteria for waivers of vessels with safety, machinery, or navigation equipment deficiencies.

* Issuing appropriate Notice to Mariners, stressing Operation Safe River initiatives, and insisting on accountability by mariners to assure compliance.

* Taking action to extend Regulated Navigation Area for barge fleeting to Baton Rouge.

* Together with industry, developing horsepower standards for tows in certain sections of the Mississippi.

* Increasing interaction with states and port authorities to improve safety.

* Improving port state control posture in detecting substandard vessels by increasing boardings to examine the material condition of the vessel.

* Reviewing the river boat gaming vessel program, focusing on number of vessels and a review of docking sites.

* Reviewing ferry vessel safety with regard to manning and operation.

* Extending Algiers Traffic Control Light to year round operation.

Subcommittee Activities

The Subcommittee has been actively promoting navigational safety on the Lower Mississippi over the past year. The following is a summary of those activities.

H.R. 3282, The Towing Vessel Safety Act of 1994

On October 12, 1993, the Subcommittee held a hearing to investigate circumstances surrounding two fatal accidents involving towing vessels. The first accident occurred in New Orleans when a towing vessel hit the Judge Seeber Bridge. The second accident occurred in Mobile when a towing vessel hit the Big Bayou Canot Bridge causing the derailment of the Amtrak Sunset Limited. The hearing resulted in the introduction of H.R. 3282 "the Towing Vessel Navigational Safety Act of 1994" and was followed by a second hearing where Secretary of Transportation, Federico Pena, testified in support of the bill. H.R. 3282 was amended by the Subcommittee on April 14, 1994.

Gaming Vessel Hearing

On November 12, 1993, the Subcommittee held a field hearing in Baton Rouge, Louisiana, on the navigational safety concerns resulting from the introduction of gaming vessels on the Lower Mississippi River. The Subcommittee heard testimony from the Coast Guard, the State of Louisiana, the Port of Baton Rouge and industry representatives.

VTS Hearing

On July 29, 1993, the Subcommittee held a hearing to investigate the status and future of the Coast Guard's Vessel Traffic Service (VTS) 2000 Program. The purpose of a VTS is to promote the safe navigation of vessels in restricted waters by providing the mariner with traffic information that would otherwise be unavailable. The August 1991 Port Needs Study analyzed selected ports based on the risk associated with a catastrophic pollution incident. This study provided a priority list of ports with the highest risk of environmental damage due to groundings or collisions. Based on a positive cost/benefit ratio, New Orleans ranked first in the study. Unfortunately, the Coast Guard's VTS 2000 acquisition program continues to fall behind schedule. If full funding is obtained over the next several years, a VTS 2000 system in New Orleans may be operating in 1999.

Issues

Has navigational safety improved on the Lower Mississippi since the introduction of Operation Safe River?

Does the Coast Guard need additional funding to extend the Algiers Traffic Control Light to year-round operation?

How has the prolonged period of highwater on the Lower Mississippi River affected navigational safety?

What is the difference between the Coast Guard's normal safety enforcement activities and their enforcement activities under Operation Safe River?

Has the lower Mississippi River Waterway Advisory Committee been involved in the development of the Operation Safe River program?

How does VTS 2000 fit into the safety program in the future?

Do gaming vessels pose a significant risk to the river traffic? Do these vessels have the power and rudder control to operate safely in the river during high water conditions?

Has the Coast Guard prepared adequate contingency plans to respond to a collision on the river involving a gaming vessel?

Contacts

If you have any questions please contact Jim Adams or Bill Wright of the Subcommittee staff at (202) 226-3587.

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
STATEMENT OF REAR ADMIRAL JAMES C. CARD
ON NAVIGATIONAL SAFETY CONCERNS OF THE LOWER MISSISSIPPI RIVER
INCLUDING GAMING VESSEL SAFETY, BRIDGE SAFETY
AND PILOTS ON FERRIES
BEFORE THE
SUBCOMMITTEE ON COAST GUARD AND NAVIGATION
COMMITTEE ON MERCHANT MARINE AND FISHERIES
NEW ORLEANS, LOUISIANA
MAY 2, 1994

Good morning Mr. Chairman and distinguished members of the Subcommittee. I am Rear Admiral James C. Card, Commander of the Eighth Coast Guard District.

I come before you today to update you on recent initiatives that we in the Eighth District have taken to increase safety on the lower Mississippi River. Certain of these projects will affect waterway safety throughout the Eighth Coast Guard District.

In November, I spoke before your subcommittee to discuss the navigational safety concerns you had relating to the advent of gaming vessels on the Mississippi River. The testimony before your committee following the terrible AMTRAK tragedy at Big Bayou Canot, Alabama, and the tragic Judge Seeber Bridge allision here in New Orleans addressed the safety of the inland towing industry. I share your deep concern for the safety of the thousands of passengers that travel the Mississippi River every day, and your continued concern for those people now on, and crossing the bridges over, those waterways.

We have initiated several programs to increase bridge safety when vessels are passing through and under bridges.

When I met with waterways operators last year, I invited their participation in our waterways safety programs. Issues surrounding bridges are particularly complex and involve a myriad of Aids to Navigation, lighting, channel and waterway usage questions, in addition to those traditionally associated with the bridge itself. In February 1994, the waterways operators responded to my invitation to participate in our waterways safety programs. The Eighth District received a joint letter from the American Waterways Operators (AWO), Gulf Intracoastal Canal Association (GICA) and Warrior-Tombigbee Development Association identifying 14 bridges in the Eighth District of particular concern. We are taking a synergistic approach in the study of these bridges. A focus group has been formed, made up of representatives from AWO, GICA, Warrior-Tombigbee Association, railroad bridge owners, highway bridge owners and the Coast Guard. The initial meeting of the focus group was March 16, 1994.

In the initial meeting, I explained our intent to survey every bridge crossing navigable waters in the district, but that the 14 bridges identified as posing the greatest concern to industry would be a good place to start. The focus group quickly got down to business discussing the teams which would survey each of the 14 bridges, the survey methodology they would use and the membership of each group assigned to survey specific bridges.

Each survey team was composed of representatives from the marine industry, bridge owner, U.S. Army Corps of Engineers, and local Coast Guard units. The survey teams have completed the initial examination of the 14 bridges and surrounding waterways using a standard checklist developed by the Eighth District Aids to Navigation Branch and the focus group to assess reported bridge problems and to report on actual bridge conditions.

The focus group is meeting today to examine the survey team reports and will recommend to me whether or not a formal Waterways Analysis and Management System (WAMS) study is necessary for any of the bridges. They may also make specific recommendations for improvements to the bridges or associated waterway. If required, a WAMS team will be formed to conduct a formal analysis of each bridge and the surrounding waterway. That team will make recommendations for actions needed to correct problems associated with the bridge or the waterway. The focus group will review all WAMS reports and make recommendations to me on which corrective actions to take. This cooperative effort should result in positive action taken to improve the safety of passage through and over these bridges. For example, the focus group could identify changes in nearby buoys or bridge lighting that can be made to facilitate navigation through some bridges.

I have implemented a three-pronged initiative to respond to bridge allisions here in the Eighth District. This initiative is composed of improved reporting, increased tracking and timely investigation of bridge allisions.

In the first prong, the Coast Guard relies heavily on self reporting of accidents by the waterways users. Self reporting is especially important in the case of unmanned bridges that pass over navigable waterways. Our experience with self reporting of bridge accidents has generally been very good, with the one disastrous exception in Alabama. Until legislative or regulatory changes are made requiring immediate notification of bridge accidents, we will rely on the mariner to report a allision with a bridge as soon as possible. I understand that notification of marine casualties "as soon as practicable" is included in your revised bill. To encourage timely self reporting of allisions, we have published a Notice to Mariners informing all waterways users of the need to immediately report any accidents involving bridges.

Since January 1993, the Eighth District has been accomplishing the second prong of my bridge initiative by maintaining a computer data base listing all bridge allisions. A new Coast Guard bridge data base is in the first phase of implementation. This data base will include extensive data on bridge structure, past accidents and inspection information. I believe both our current system and, to a greater degree, the new system will allow us to track the accident history of each bridge and conduct trend analyses of casualties.

In the third prong of my bridge initiative each of the Eighth District Marine Safety Offices has been instructed to investigate all reported bridge allisions. We are requiring vessels involved in allisions to make themselves available for investigation and are requiring vessel owners to conduct drug and alcohol tests of involved personnel. One reason for testing is to rule out drugs or alcohol as one of the accident causes. The decision not to test for drugs or alcohol may be made only by the Officer in Charge, Marine Inspection in whose zone the accident occurred.

After a bridge is struck and the Coast Guard is notified, we need to inform the bridge owner as quickly as possible. The Eighth District has an emergency notification program in place for accidents involving bridges. Each unit now maintains a contact list for all bridges located in their area of responsibility.

An example of how the system should work recently occurred in our Port Arthur marine safety zone. A breakaway barge struck the Southern Pacific railroad bridge over the Mermentau River on April 16, 1994. The bridge operator telephoned the Eighth District Operations Center, which immediately got the marine safety office in Port Arthur on a three-way call to receive the bridge allision report. The marine safety office implemented its emergency notification procedures for bridge accidents and,

within one minute, confirmed that the owner of the bridge was aware of the accident, that railroad traffic stopped, and that the Louisiana State Highway Department and Acadia Parish Sheriff's Office had been notified that the barge had also struck the Highway 90 bridge 300 yards upriver from the railroad bridge. Traffic over the Highway 90 bridge was stopped until the bridge could be inspected for damage. State officials were on scene to inspect the bridge within 30 minutes, allowing traffic to resume after a minimum delay. Railroad officials were on scene within an hour inspecting the railroad bridge and allowed traffic to resume. This was a nearly ideal response to a bridge allision.

In a national bridge initiative, the Commandant of the Coast Guard has required each district to conduct a survey of all bridges that cross navigable waters. This survey effort is larger in scope, but less detailed than my bridge focus group survey. The primary thrust of this survey is to identify all bridges crossing navigable waters, identify their owners and to determine the adequacy of existing lighting and fender systems on each bridge. The Eighth District has prepared a survey plan and created consistent survey criteria for examining each bridge in the Eighth District.

Phase One of the national bridge survey is currently underway. Survey packets were prepared and distributed to Coast Guard field units on March 14, 1994. Field commanders were tasked with performing the required surveys within their areas no later than July 29, 1994. We expect to begin receiving the first completed surveys by the end of this month. This bridge survey should provide the first comprehensive listing of all bridges in the district along with their condition and adequacy of fendering and lighting systems. This survey will also be used to update our emergency notification lists of bridges and owners.

Phase Two of this program will involve evaluating the information gathered by the survey. In cases where this evaluation confirms a bridge fendering or lighting deficiency, we will follow up to ensure appropriate and timely action.

Phase Three will involve requirements to update specific bridge lighting and fender systems and tracking improvements to ensure they are satisfactorily completed as required.

Let me shift gears now to the area of river safety. We have initiated several programs to increase the safety of vessels and passengers on those vessels:

I promised you in November that we would hold a Search and Rescue exercise before the first gaming vessel began operations on the Mississippi River. On January 30, 1994, Coast Guard Group New Orleans, along with New Orleans Port Authority Harbor Police, Crescent City Connection Police, City of New Orleans Office of Emergency Preparedness, and Southeast Louisiana Search and Rescue Organization (SELSAR), conducted a joint search and rescue exercise on the Mississippi River in New Orleans where gaming and excursion vessels are concentrated between the Crescent City Connection Bridge and Algiers Point. The exercise, called "SAREX 94," was designed to simulate a major accident in the Mississippi River involving a vessel with a large number of people aboard. During the exercise, the water temperature was 34°F and the air temperature was 40°F. The exercise was a "real time" event that showed us many of the problems we would encounter in an actual emergency. The exercise was a success in demonstrating our rescue capabilities, teamwork among agencies and teaching us better ways to respond to a major accident involving numerous people in the water.

While the multi-agency coordination of assets in SAREX 94 was generally very effective, it validated many of our original safety concerns. The fast Mississippi River current and low seasonal water temperatures create a very hostile environment. No matter how many Coast Guard, State, local and other resources

respond, it would be difficult to rescue everyone. Our exercise showed us that when prepared for a daylight drill, we could expect to rescue and save 20% to 30% of the people in the water. A major accident on the Mississippi River with large numbers of people in the water could result in a significant loss of life.

Group New Orleans is also planning to participate in similar exercises on Lake Ponchartrain and in Baton Rouge. The annual SAREX on Lake Ponchartrain will be held late this spring or early in the summer. This will be the annual SELSAR exercise and will probably deal with a gaming vessel accident similar to our January Search and Rescue exercise. The exercise in Baton Rouge is being coordinated by the East Baton Rouge Parish Office of Emergency Preparedness. This multi-agency exercise, similar to the one in New Orleans, will be held prior to the first gaming vessel operations in Baton Rouge, although the exercise date has not been finalized yet.

Regarding Search and Rescue Plans, Coast Guard Group New Orleans has added a section to their disaster plan dealing specifically with major vessel accidents involving a large number of people. This section addresses stabilizing the situation and minimizing loss of life by getting the maximum number of Coast Guard and other rescue resources on scene as quickly as possible.

The Coast Guard has also offered assistance to, and is working with, state and local agencies to develop joint disaster plans. Coast Guard assets could be on scene within a few to as many as 30 minutes of a disaster in the New Orleans area. In Baton Rouge, it may take an hour to respond with a helicopter or several hours with a vessel. Currently, we do not have any river rescue resources stationed in Baton Rouge.

I would now like to shift to another river safety initiative - Operation Safe River. I'd like to explain why we initiated Operation Safe River and describe its main elements. I was extremely concerned by the seemingly inevitable increase in accidents that occur each year during periods of high water. Data for each of the last ten years, from December through May, indicates on average 24 collisions or four per month occur on the Mississippi River, between Head of Passes and Baton Rouge. Over the last ten years, 50 collisions have occurred in the month of April, (average five per month) the highest total for any month. Annually, from June through November, an average of 7.5 collisions occurred (less than one per month) along this stretch of the river. The annual average for collisions is nearly triple for the six months December through May versus the six months June through November.

I was determined to do something to prevent or reduce this annual accident cycle. So last fall we began several initiatives which I reported to you in our November hearing. Collisions, like those between the passenger ship NOORDAM and freighter MOUNT YMITMOS, the offshore supply vessel RELIANT SEAHORSE and freighter ALASKA, the tanker CANADIAN LIBERTY and tug ADMIRAL, the ferry ST. JOHN and tug EDWIN N. BISSO indicated to me these initiatives were not producing as great an improvement in safety as we wanted. We then decided to take additional steps to improve safety through Operation Safe River. The purpose of this operation is to focus the attention of mariners on the hazards associated with navigating the Mississippi River. I believe that we can reduce the number of accidents by actively meeting with the waterway users, reinforcing their obligation to safely navigate, and by pursuing current and proposed federal safety regulations.

I announced Operation Safe River on March 24, 1994 at a meeting with port, pilot and marine industry leaders. We also announced it through a Notice to Mariners which was broadcast to everyone operating along the Mississippi River. I urged each industry doing business along the Mississippi River to take the time to examine their operations for unsafe actions and correct

those actions. I have encouraged the state and local agencies to take a more active role in maritime safety issues.

In my meeting with industry leaders, I asked them to take more responsibility for the role they play in safe operations along the river. I also asked them to be an active role model for safe operations and actions.

In support of Operation Safe River, all Coast Guard units operating along the Mississippi River have increased their visibility by patrolling the river and actively communicating with transiting vessels, and looking for unsafe operations. These units are stressing safe river operations and ensuring vessel masters are aware of the existing heavy vessel traffic and strong river currents. We have also increased both vessel and aircraft patrols on and over the Mississippi River.

Our Operation Safe River is made up of several interlocking initiatives. The primary initiatives are personal accountability, pursuit of civil and criminal penalties, extending the Barge Fleeting Regulated Navigation Area (RNA), vessel performance standards, encouraging state and local action, and the option of more restrictive operational controls.

Coast Guard Marine Safety Office (MSO) New Orleans is looking to increase the scope of penalty action taken against those involved in unsafe operations. The goal is to discourage complacency and negligent operations on the waters and to encourage personal responsibility and accountability. The MSO aggressively investigates personnel and companies involved in unsafe operations with the intent of pursuing action against licenses, civil penalties against both operators and operating companies and pursuing criminal penalties where appropriate. An example is the recent arrest of the master of the foreign tank ship PLAN KRISTINE for illegally loading cargo. We are stressing personal as well as corporate accountability to prevent and discourage unsafe acts. This responsibility will extend not only to the owner of a vessel, but will also include the operator, and the agent as appropriate due to their increasing role in vessel safety.

I have signed the Interim Final Rulemaking to extend the Regulated Navigation Area concerning barge fleeting areas from New Orleans to Baton Rouge. It should be published soon and available for public comment.

I have asked the American Waterway Operators to develop horsepower or other performance standards for vessels transiting the lower Mississippi River. This is a complex issue and not always a simple question of more power, although the result may be in the form of a minimum power to size ratio. Industry acknowledges a relationship between the horsepower of a towing vessel, the makeup of its tow and its ability to maneuver in the difficult navigating situations found on the Mississippi River. Operation Safe River initiated the concept of a minimum speed for vessels bound up river. As a result of our observation of barges operating near Algiers Point, we initiated controls to assure that the tows were making a minimum speed up river so as to safely navigate by themselves and not interfere with the safe navigation of other river users. Vessels not meeting the minimum performance standard are required to heave-to until corrective actions are taken and safe navigation can be assured.

The final component of Operation Safe River is the possibility of more Coast Guard traffic control actions to improve safety. These are actions like one-way traffic or restricted nighttime vessel movements the Coast Guard may have to take if the current provisions in Operation Safe River don't help reduce accidents. I sincerely hope that any such measures will not prove necessary.

In conjunction with Operation Safe River, we have changed the point at which we require operational controls on foreign vessels. Our posture has also changed in the way we deal with minor safety or navigational deficiencies on foreign vessels. Previously, vessels that had minor deficiencies in safety or navigation equipment were routinely allowed to sail with a requirement for future repair. These policies of allowing vessels to affect repairs at the next port call or in a foreign country are more conservative now. In general, vessels will not be permitted to depart with safety or navigational deficiencies that can be repaired here. While vessels may at times still be allowed to sail, appropriate restrictions are placed on their transit. For example, a boarding team recently discovered a foreign freight vessel with one undersized anchor and therefore inadequate for river use. The vessel was allowed to sail from New Orleans, but a tug escort was required during the voyage.

The Coast Guard has met with state and local government officials to increase their involvement in river safety issues. We have encouraged them to take action under their statutory authorities against vessels, owners and operators that conduct negligent acts such as dock allisions in their jurisdictions. Marine Safety Office New Orleans personnel also met with General Patin of the State of Louisiana Department of Transportation to discuss the issue of additional piloting personnel on ferries. After the Algiers Point/Canal Street ferry incident, state officials shared our concern that a ferry with a single operator on board is vulnerable in the event that operator is incapacitated. In a recent incident here in New Orleans, a runaway ferry was safely brought to dock by the pilot of another vessel. As a result of this meeting, each state ferry will soon carry additional personnel specially trained to perform piloting duties in case of an emergency.

I would also like to bring to your attention several programs that began prior to the last hearing, but have taken on greater significance due to recent events.

We have continued our meetings with towing industry leaders to develop initiatives on improving towing vessel safety in the district.

Admiral Henn testified before you earlier that the Coast Guard is increasing Port State Control programs. These programs are dedicated to ferreting out those foreign operators that do not maintain or operate their vessels in accordance with accepted international standards. Marine Safety Office New Orleans has dedicated three boarding teams exclusively to Port State Control. These teams board targeted foreign flag freight vessels, paying particular attention to vessel control systems and investigate reported incidents involving loss of power or loss of steering.

We are investigating the operation of the Algiers Point Traffic Control Tower and Traffic Lights year-round to enhance communications and safety at this critical point on the river. We are working to identify options which offer the best opportunities for year-round operation.

The site selection, review and approval for gaming vessels is still conducted on a vessel-by-vessel basis. All of the sites have been selected and the permitting process has begun. To date, the Coast Guard has opposed three of the proposed gaming vessel sites, Kenner Bend, Luling and Vicksburg. We will continue to actively participate in the permitting process with the Army Corps of Engineers, closely examining each application as it is made.

At the request of the Coast Guard, the Port of New Orleans has contracted for a risk assessment study of the port and the effect gaming vessels will have on Port Safety. The first phase is a general study. I expect preliminary results in June or July. The detailed second phase study will be contracted for

after the results of the general study are examined. The study should give us a picture of the dangers of the river and risk factors associated with all phases of river commerce. I am looking forward to the results and the insights it will give us toward safety improvement programs in the future.

The Captain of the Port for New Orleans has already taken measures to increase safety in the operations of the Mississippi River gaming vessel in New Orleans. The vessel must have two licensed officers on the navigating bridge while underway, one of these two officers must be licensed as a First Class Pilot for the Mississippi River. Also, whenever the Algiers Point traffic lights are in operation, gaming vessels must first check with the traffic light, receive permission to get underway and participate in local controls that are in effect.

Louisiana law allows the master of a gaming vessel to exercise discretion in making a determination not to get underway. The masters of the QUEEN OF NEW ORLEANS, located here, have decided not to get underway at night during periods of high water. However, recently one master of the QUEEN OF NEW ORLEANS was required to justify to State officials a decision to remain dockside for gaming when nearby excursion vessels were getting underway. The Captain of the Port, New Orleans, has taken a strong stand against any attempt of coercion or interference with the authority of the master in making the decision not to get underway.

The review of Mississippi River accident data, causes, and the relationships of causal factors has lead us to what may be termed a kaleidoscope of accident factors. Like the colors of a kaleidoscope, each factor in itself may cause an accident or merge with other factors to increase the likelihood of accidents. Also, like a kaleidoscope, when the factors merge together, it is difficult to separate out a single factor which is responsible for what happened.

As previously stated, there is a strong relationship between the river stage and the accident rate. During periods of high water, generally January through June, the accident rate is nearly three times higher. This is due to the effect of high river currents on vessel maneuverability and operator experience. Visibility is also a casual factor. Experience shows most accidents occur at night or during reduced visibility such as rain or fog. During January through June, the river is also prone to fog. However, accidents still occur in daylight in perfect visibility. The location of the highest occurrence of accidents is the Algiers Point area. We attribute this in part to a greater traffic density, as well as the sharpness of the bends and strong river currents at this location. Our data shows us that in general, accidents are grouped near the sharp bends in the river. Vessel age is another consideration we will examine as a causal factor. As vessels age, they experience differing levels of maintenance and care. Different vessel systems may fail for different reasons, but overall age seems to play a part. Operator experience and other human factors in accidents are areas which we have not examined closely. As Admiral Henn testified before you earlier, human factors will receive additional attention by the Coast Guard in future accident investigations.

I would also like to give you an <u>update</u> on several regulatory projects to improve river safety.

In December, the Coast Guard completed its study of the inland towing industry. That study contained several recommendations on equipment, manning, licensing and training improvements that could be made to increase the overall level of safety in the inland towing industry. Coast Guard Headquarters has formed a team to implement the recommendations of the study. The recommendations have been broken down into five projects. <u>Project A</u>: deals with those issues that require legislative

action by Congress to accomplish. Project B: deals with those issues that can be accomplished through field unit administrative action. Project C: deals with those issues that can be accomplished through Headquarters administrative action. Project D: comprises four rulemakings dealing with vessel navigational safety equipment, casualty reporting of hazardous conditions and radar training for vessel operators. Project E: consists of rulemakings dealing with personnel licensing, training and qualifications. In addition to the five projects, studies have been initiated in areas of manning and pilotage that may lead to additional rulemakings.

In closing, I would like emphasize that no single agency can do it alone. To make the Mississippi River the world's safest waterway will require not only a concerted team effort from each and every local, state and federal agency having jurisdiction, but must also include vessel operators in the planning and execution of safety initiatives. As we have demonstrated in our ongoing search and rescue exercise program, one of our main challenges is to develop and nurture that team effort. The budget climate facing all levels of government requires all of us to work together. Preparation for a possible accident and implementing measures that will prevent an accident, will take concentrated efforts from each affected local, state and federal agency as well as the unwavering cooperation of waterways users.

The risk factors involved in determining the safest possible operations of gaming vessels are complex and interrelated. A risk analysis has begun to determinine the interrelationships, risk factors and best risk avoidance measures. When the risk analysis is completed, we will develop the best risk avoidance measures possible to ensure the safe operation of every vessel on the Mississippi River.

This concludes my remarks and I am ready to answer your questions.

TESTIMONY FOR THE UNITED STATES HOUSE OF REPRESENTATIVES -- COMMITTEE OF MERCHANT MARINE AND FISHERIES SUBCOMMITTEE ON COAST GUARD AND NAVIGATION:

Dear Congressman Tauzin:

On behalf of the Governor's Task Force on Maritime Industry for the State of Louisiana, I would like to take this opportunity to express our appreciation to you and to the Subcommittee for the initiative of holding these hearings regarding Operation Safe River in New Orleans.

In November of 1993, the Governor's Task Force formulated a Marine Safety Subcommittee to address issues of safety on the Mississippi River and the Mississippi River-Gulf Outlet. The members of this Committee are as follows:

*MR. J. RON BRINSON, THE PORT OF NEW ORLEANS
*CAPTAIN JOE CLAYTON, NEW ORLEANS-BATON ROUGE PILOTS
*CAPTAIN RICHARD CLEMENTS, PORT OF SOUTH LOUISIANA
*CAPTAIN MARK DELESDERNIER, CRESCENT RIVER PILOTS ASSOCIATION
*COLONEL MIKE DIFFLEY, U. S. ARMY CORPS OF ENGINEERS (SUBSTITUTED BY COLONEL KEN CLOW)
*CAPTAIN SONNY IVEY, AMERICAN COMMERCIAL BARGE LINE
*CAPTAIN JACK LEVINE, ASSOCIATED BRANCH PILOTS
*CORNEL MARTIN, DELTA STEAMBOAT COMPANY
*CAPTAIN TED THOMPSON, U. S. COAST GUARD
*MR. DOMINIC VERONA, NATIONAL MARINE

Our Task Force has held hearings in reference to safety on the river, and we have addressed a portion of this to the newest addition to the maritime industry along the river -- that being the gaming boats. We have put forth 14 recommendations to improve safety on the river and have attached a copy of these recommendations in our testimony.

The flow of commerce through this river system and the area from the mouth of the Mississippi River at Southwest Pass to the upper limits of the Greater Port of Baton Rouge covers a distance of 232 miles. In addition, the Mississippi River-Gulf Outlet, which runs parallel and is connected to the river through the Industrial Locks, covers another 75 miles. On an annual basis these river systems handle over 6,000 inbound vessels. In most cases the vessels go to anchorage and call more than one berth. This yields in excess of 15,000 vessel movements within the 232 mile geographic area. In addition, there are over 500,000 barge/tug movements through this area and through the connections of the Intracoastal Waterways System, which connects East and West through the Algiers Locks to the Industrial Locks. These figures do not include the large number of offshore vessels, commercial fishing vessels and pleasure crafts that operate within this area. This should provide your Committee with the magnitude of volume on the Mississippi River and the Mississippi River-Gulf Outlet.

In attending the meeting on March 24th with Admiral Card, he outlined the details of Operation Safe River. In the same meeting, he went through the list of marine casualties, which have increased at an alarming rate within the bounds of the New Orleans District. There are many of the points brought forth by Admiral Card and in his testimony, both in the hearing you held in Baton Rouge and this hearing today, which show the complexity of the problems and the potential magnitude of these incidents. When one analyzes the large volume of vessel, barge and smaller boat operations in this area, you can see that this is a relatively small percentage. Yet we understand that this small percentage is not insignificant. Inches could have turned

any one of these into a major casualty which could have resulted in loss of life, considerable pollution and environmental impact resulting from the pollution. There is definitely a direct relationship to the professionalism of the mariners, the pilots and the tug boat captains, which contribute to the safe operation of their vessels on the Mississippi River and the Mississippi River-Gulf Outlet. We must not lose sight of this. These experienced mariners as well as the prudent owners and operators of these vessels do understand and do abide by the safety, rules and regulations set forth by the worldwide certification societies and the U. S. Coast Guard. In many cases in examining these casualties there are direct relationships to negligence, inexperience, improper equipment, lack of equipment or lack of preventive maintenance on these vessels. We all know there are always those few operators who are willing to risk anything and everything to accomplish a financial goal without care or concern for the potential disaster which could occur or the impact it will have on the safe, experienced and professional operators, their crews and their vessels. The maritime industry has worked and applauds the efforts by Admiral Card and Captain Ted Thompson (COPT New Orleans) for the implementation of Operation Safe River. In the recommendations and the direction which this should take in the future, we cannot be restricted by the financial restraints of federal budgets. Lack of funding for the necessary manpower and equipment is a serious flaw in this plan. It is a big undertaking to make this river and its river system here a safe operation. Two vessel boarding crews and two barge inspection groups is insufficient to cover the high number of vessels and the large geographic area that bounds the Mississippi River. On land this is the equivalent of two State Police units to handle all automobile traffic from Southwest Pass to Baton Rouge. We know this will not be effective.

Specific recommendations have been made on the manning of the Governor Nichols light on a 24 hour a day, 365 days per year. Although this is supported by all maritime interests, there are funding constraints which will reduce the manning cycle. We are now are trying to work within the budget to accomplish what has been recommended by all of the maritime safety groups as well as the Governor's Task Force on Maritime Industry. Therefore, I feel that the Congress must look at providing the necessary funding to accomplish the goals of the Operation Safe River, which has been instituted by Admiral Card. Further to this we also recommend that civilian positions be established within the U. S. Coast Guard Marine Safety Office to work with the U. S. Coast Guard military personnel to perform these inspections of vessels and fleet areas along the river. The main focus of this is consistency in inspections which can only be achieved through the continuity of personnel who perform these inspections. One of the largest complaints from the American Waterway Operators and other barging associations as well as vessels agents, owners and operators is the inconsistency that is caused by the rotation of the military personnel. For this reason, it is our recommendation that a plan be developed to mix the well trained U. S. Coast Guard personnel with well trained civilian personnel to establish a stability in these inspection and enforcement.

We have approached many different opinions of the causes of the casualties that have occurred and their direct reference to the river conditions on the Mississippi with the U. S. Army Corps of Engineers New Orleans District. We have had high river with extremely high current and a high density of sentiment, which we feel has contributed to a number of the casualties on the river. We have been working with the U. S. Army Corps of Engineers to develop a table that shows the relationship to current and sentiment as a force working against the vessels that operate on the river system. With the river stage projected to reach 16.5 by May 5th, we are looking at an extremely high river with a current that is estimated to be running greater than seven knots. The majority of mariners will tell you this current is stronger this year than in the past. The current will vary due to your position on the river.

The maritime industry has put forth the suggestion to the U. S. Army Corps of Engineers to open the Bonnet Carre Spillway to relieve the current and sentiment situation and to divert that water through Lake Pontchartrain to the Gulf. This would enable us to maintain a lower river stage which would decrease the current and thus relieve some of the forces that are working against the vessels which transit the lower

Mississippi River. We have had discussions with General Witherspoon, who is Commander of the U. S. Army Corps of Engineers Vicksburg Division Office, and we met with him and his staff on Friday, April 29th, to discuss its effect on the safety on the river. The initial response from the U. S. Army Corps of Engineers was negative as the Spillway is a flood control project and not effective to navigational needs or requirements. We feel they are one and the same. The incident which occurred on Monday, April 25th, with the M/V Balsa 30, is a clear indication of the potential of a navigation issue becoming a flood control problem. The M/V Balsa 30 is approximately a 6,000 ton vessel which was in a light condition. Due to a steering failure, the vessel struck and came to rest on top of a levee just above Shingle Point in the lower area of the Mississippi River. We have had a considerable number of close calls, and as Admiral Card very well pointed out, the difference between a major casualty has been within a fraction of inches. The incident that occurred yesterday would have been greatly compounded had that been a fully laden 180,000 deadweight ton tanker or a 100,000 ton fully laden bulk carrier, which would have not wound up on top of the levee, but would have most likely gone through the levee. Therefore, we make the direct relationship that, and recommend that a studies and models analysis be done to utilize the Bonnet Carre Spillway not only as flood control but as a tool for restricting the flow and reducing the flow of the river to aid navigation. We feel it would reduce the strain and stresses against the levee system during high river and help prevent a potential disaster from occurring due to a vessel penetrating or breaching the levees along the river.

Over the past few years we have seen an alarming increase in marine casualties and a number of vessels have been lost at sea with all hands for seemingly no reason. The many classification societies throughout the world and the P & I Insurance Clubs have been meeting to determine the causes of these maritime disasters. They have addressed the inspections of vessels, and in many cases, there has been a lack of competence in the surveyors appointed by the world class society. The prudent owners and operators are very concerned and have undertaken extensive research to determine the cause. With the increase of the size of the vessel, the increased speed of the loading and/or discharging, the equipment and the importance of the loading and unloading stress factors on a vessels as well as the age of the vessels operating are all factors which must be considered. The maritime industry has suffered through the past 15 years with very low market rates, which was a direct result of a downturn in the world economy. This has resulted in a decline in the construction of vessels. This has also occurred in the inland barging industry and we are seeing today more casualties arise which can be directly attributed to the age of the vessels and barges. There are a number of prudent operators of vessels who keep their vessels well maintained, and are efficiently and professionally manned. We all recognize that there are the exceptions to these rules and in line with Operation Safe River, the Coast Guard has the authority to not only fine these vessel owners, but to the case over to the U. S. Attorney to proceed with criminal charges due to the changes in the recent federal laws. The word has been distributed worldwide on Operation Safe River and its objectives. The increase of the U. S. Coast Guards' presence through vessel inspections and the boarding of these vessels at Southwest Pass will force compliance. The funding of the necessary manpower and equipment to back up Operation Safe River is essential for the success of this operation.

In the long run, we have supported a state-of-the-art, fully mandatory VTS system for the Mississippi River and this system will help aid Operation Safe River. However, this system must be highly technical with pinpoint accuracy -- similar to our present air traffic control system. We have seen a number of people who have put forth their systems, and have viewed the systems that are now in effect and can tell you that these will not work on the Mississippi River. In a recent meeting in Washington, we were advised that the system is not designed to tell you exactly where you are on the river. My quote was, "then why do we need it!" The system installed on the Mississippi River can be a great aid, but it must be functional enough to provide what the users of the river and those controlling the river traffic need to do the proper job, which will contribute to marine safety. This VTS system should be

installed for the entire river and the Mississippi River-Gulf Outlet and should not be sectioned because the heavy traffic spans the entire river. The maritime industry has worked with the ports of Louisiana and the U. S. Coast Guard on risk analysis and safety studies, and there have been a number of public meetings with input to discuss safety on the river. The new influx of the gaming vessels to these heavy traffic patterns of the existing river has caused concerns. There have been a number of recommendations generated from this risk analysis and there are still studies being conducted in various areas along the river to determine the safest locations. The law of the State of Louisiana has mandated these vessels to sail based on the Master's discretion. Vessels in New Orleans port area must be controlled by the Algiers traffic light facility, as Algiers Point is one of the most critical areas on the lower Mississippi River. As always, the maritime industry is committed to work to improve the safe operations of vessels, and to make specific recommendations to the U. S. Coast Guard. We understand, first hand, the potential impact a major casualty could have on the maritime industry and the communities and residents along our river system.

We have stressed the need for improved radio communications between vessels' pilots and masters, and that the mariner should not be over burdened with additional monitoring and watch-standing on multiple channels. On the marine frequencies, there are serious problems of interference from outside transmissions, particularly in the New Orleans harbor and Baton Rouge harbor areas. Even the Coast Guard can attest to the problem. Bridge to Bridge and other marine safety frequencies, as we understand it, have intermodulation from other transmissions, primarily from but not limited to, commercial paging transmitters. The FCC has authorized the use of frequencies in the marine band, which are very close to the mariner frequencies used between ships and other safety channels for navigation. These licensed land based radio transmissions are permitted to transmit in excess of 300 watts while marine transmissions are limited to 5 watts.

These transmissions, at times, can completely block out critical marine information between ships, and even between ships and the Coast Guard. It is our understanding from the FCC, that they are unable to resolve this problem. The solution does not lie in either allowing the mariner to use greater watts or to change or modify the mariners' equipment with what we are told is filters. This will not change the source of the problem which we feel will continue to grow. We understand that this problem exists in other areas of the country, but perhaps not to the extent that it does on the lower Mississippi River because the transmission towers of these paging companies are not as close to the navigable channels in other port areas as they are here. We understand that a short term measure towards resolving the problem could be a moratorium on the issuing of new licenses for such transmissions within the marine band until these difficulties can be properly addressed and a more permanent solutions can be developed. In fact, legislative action might be required in order to totally remedy the problem to ensure uninterrupted communications for safe navigation.

We would like to thank you for your commitment to the maritime industry and we support your initiative in conducting these oversight hearings in New Orleans. The New Orleans Steamship Association and its members, the ports on the Mississippi River, the American Waterway Operators, the Greater New Orleans Barge Fleeting Association, the Lower Mississippi River Waterways Safety Advisory Committee, Maritime Navigation Safety Association, the Offshore Marine Service Association along with the U. S. Coast Guard COPT 8th District and the U. S. Army Corps of Engineers are working together with the Governor's Task Force on Maritime Industry to take the necessary steps to ensure safety on the Mississippi River and the Mississippi River-Gulf Outlet.

Respectfully submitted,

GOVERNOR'S TASK FORCE
ON MARITIME INDUSTRY

George E. Duffy
Chairman

SAFETY ON THE MISSISSIPPI RIVER

AN OVERVIEW OF ACTIVITIES OF THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS RELATING TO RIVERBOAT GAMING VESSEL SAFETY

May 2, 1994

Introduction

The Board of Commissioners of the Port of New Orleans (the Board) is responsible for leasing, maintaining, and developing the state's waterfront property in and around the City of New Orleans including Orleans, Jefferson, and St. Bernard Parishes. In 1991, the Louisiana Legislature legalized riverboat gaming. A total of four vessels are expected to operate from Board property in the vicinity of the RiverWalk.

Last year, the Board joined with the local Coast Guard Captain of the Port, Captain Ted Thompson, in cooperatively researching ways to enhance safety along the Mississippi River in preparation for riverboat gaming.

Water-front Safety

The Board has primary responsibility for safety along waterfront property within its jurisdiction. In preparation for riverboat gaming, the Board hired nationally renowned consultant, Dr. John A. Granito, to develop guidelines for gaming vessel operation. On the Board's behalf, Dr. Granito produced a study addressing numerous aspects of riverboat gaming relating to public safety. Dr. Granito's study focused on fire protection, police response, and emergency medical services, etc., and particularly ways to assure the gaming vessels will have safe access and egress capacity. Dr. Granito continues to work with gaming-vessel operators and potential operators in reviewing their plans of development and operation and to translate his general guidelines into practical applications.

The Board can require gaming vessel operators take certain steps to provide for dockside safety and can veto proposed operating plans.

Waterway Safety

The Coast Guard has primary jurisdiction over navigational safety. They have requested the Board provide for a navigational risk assessment in preparation for riverboat gaming. The Board contracted for this study with the Louisiana State University National Ports and Waterways Institute in cooperation with the George Washington University. However, the Board has asked that the study go beyond the scope of the Coast Guard's request. The study will consider a wide range of safety aspects along the Mississippi River. The study will provide workable tools by which the Coast Guard and the local maritime industry can evaluate ways to reduce risks.

The study will focus on two basic elements: the chance that an incident will occur and the potential impact of such an incident. The study will evaluate these elements as well as determine the effectiveness of various risk reduction techniques. It will incorporate input from the Coast Guard and pilots and other waterway users as well as the general public.

The study will produce three computerized models known as the Vessel Casualty Model, the Situation Model, and the Impact Model for use in analyzing various risks involved in local waterway safety. The Vessel Casualty Model will describe the factors affecting a vessel's chance of being involved in an accident which might lead to waterway

pollution. The Situation Model will look into the affects of differing conditions on the waterway, such as visibility and weather, on the probability of a vessel casualty. And the Impact Model will describe a vessel casualty's human safety and environmental factors.

It is the Board's hope that the study will assist the Coast Guard in adequately preparing for the addition of gaming vessels to the already crowded Mississippi River.

Hearings on

The Coast Guard's **"Operation Safe River"**

And Related Navigational Safety Issues

On The Lower Mississippi River

Statement of

Rick Burgard

President

Maritime Navigation Safety Association

Before the

Subcommittee on Coast Guard and Navigation

Committee on Merchant Marine and Fisheries

U.S. House of Representatives

May 2, 1994

Chairman Tauzin, members of the subcommittee, thank you for the opportunity to speak on behalf of mariners today. My name is Rick Burgard and I am President of the Maritime Navigation Safety Association. Our membership is made up of companies actively involved in both shallow and deep draft operations on the lower Mississippi River, from Head of Passes to Baton Rouge. Our bipartisan purpose is to represent all the men and women who, on a daily basis, "get their feet wet." Our objective is to promote open communications between all active mariners and to provide a forum in which that communication can take place. We want to see everyone get the maximum use of the waterway, with maximum efficiency, while maintaining maximum safety.

Over the last 10-15 years, mariners have noticed significant changes on the lower Mississippi River. We are having more problems with the current than we used to. The river traffic has increased and the vessels are larger. There are fewer American flag ships and more foreign ones. Now we must also factor in the introduction of gaming vessels to some of the most congested areas of the river. All this, compounded with the fact that the river is cresting unusually high this year has made safety a number one priority for everyone involved with river traffic.

We of MNSA applaud Admiral Card's "Operation Safe River," as we applaud any measure which protects lives and facilitates the safe transportation of America's commodities. We would like to point out, however, that the Mississippi River is a peculiar and very complicated beast. Any blanket policies which would effect the entire river or large sections of it, must be considered with great care, and we feel that it is imperative that all

aspects of the industry be taken into account in the formulation of such policies.

We understand that the American Waterways Operators are actively working to develop the horsepower guidelines requested by the Coast Guard. We feel that such guidelines must, as I've mentioned, take *all* the players into consideration and must be designed and implemented so as not to interfere with daily business on the river. At our most recent general meeting, the consensus was that some sort of guidelines would be very useful, but that it would be extremely difficult to assign a standard guideline across the entire length of the river. The current varies too dramatically for anything but a bare minimum standard to apply everywhere. We recognize that a more detailed and complex solution is time consuming, but we feel that any hastily conceived, heavy handed approach would not only disrupt the towing operations it targets, but the deep draft vessels as well. We ask you to be sure that, in oiling a squeaky gear, you don't bring the entire machine to a grinding halt.

On the issue of extending the fleeting requirements to Baton Rouge, we understand that this measure has technically already passed. Just as I discussed with the horsepower guidelines, we feel that great care must be taken in determining these regulations unilaterally across stretches of the river that have very little in common other than brown muddy water. I would like to point out that the maritime community itself has taken this issue to heart and has taken great strides to the reduce the risk of accident over the last few years. An incident in 1973 caused unattended barges to drift past the Huey P. Long Bridge, with no boats available to get them under control and to safety. During this year's high water, there have not been any significant breakaways

and boats have moved quickly to control the barges. Over the last 20 years the approach to safety on the river has changed dramatically, not because the coast Guard ordered a change, but because the companies and personnel who depend upon the river recognize that accidents are dangerous and expensive. Safety is sound business.

General Witherspoon of the U.S. Army Corps of Engineers, agreed last Friday to have his people look into the possibility of opening the Bonne Carre Spillway to alleviate some of the problems caused by a high river stage. MNSA got that ball rolling several weeks ago after discussing such a possibility with George Duffy of the Governors Task Force on Maritime Industry and Channing Hayden of the New Orleans Steamship Association. The Bonne Carre Spillway is currently intended only for flood control. Opening the Spillway would reduce the current and sediment flow down the lower Mississippi River and greatly facilitate safer navigation.

The Coast Guard, our elected officials and the media would do a great service to the maritime community by helping educate the public about maritime concerns. Help us spread the word that statistically, our safety record is the best of any mode of transportation. Let me state here that MNSA welcomes the Risk Analysis commissioned by the Port of New Orleans at the behest of Captain Thompson, Captain of the Port of New Orleans, and will give the research team our full support.

The lower Mississippi River port system is the largest, by tonnage, port system in the world, but local citizens are only now becoming aware of the port because of the introduction of gaming vessels. Last week's grounding of a ship on the levee at Point a la Hache served to illustrate how poorly the

public and the media understand the maritime industry. According to the media the ship was a "massive freighter" when in fact it was a very small ship. The news stated that the ship "anchored" on the levee and then was pulled off the levee to "dock" at an anchorage. Commerce along the lower Mississippi River is such a critical part of the New Orleans economy, and in fact of the economy of the country and yet even the media doesn't realize that you don't drop an anchor onto concrete! MNSA encourages all agencies and maritime concerns to focus attention on educating the general public about who we are and what we do. The grounding points to another aspect of "Operation Safe River". We sincerely hope that the Coast Guard will be able to dedicate more resources to inspections of foreign flag vessels so that loss of power/loss of steering incidents, such as the one last week, decrease.

The Maritime Navigation Safety Association provides an arena in which men and women representing all aspects of the maritime community can freely air and discuss their concerns. We have worked to establish a dialog between the riverboat casinos and the other sectors of the maritime community. Through our meetings, Bulletin and membership outreach, we have tried to make sure that all users of the waterway are communicating with and learning from each other.

We are delighted that the public is taking an interest in safety on the river, a concern we all share. No one understands the potential threat of accidents on the river better than the people who work on it every day. We support "Operation Safe River" as a step toward ensuring that safety.

Thank you.

new orleans steamship association

2240 WORLD TRADE CENTER, 2 CANAL STREET, NEW ORLEANS, LOUISIANA 70130
504-522-9392 FAX 504-523-2140

TESTIMONY OF CHANNING F. HAYDEN, JR.
VICE PRESIDENT
NEW ORLEANS STEAMSHIP ASSOCIATION
BEFORE THE
SUBCOMMITTEE ON COAST GUARD AND NAVIGATION
OF THE U. S. HOUSE OF REPRESENTATIVES
COMMITTEE ON MERCHANT MARINE AND FISHERIES

The New Orleans Steamship Association (NOSSA) represents over sixty (60) owners, operators, agents and stevedores, and through them, thousands of vessels that call on the lower Mississippi River from Baton Rouge to the Gulf of Mexico. Among its many activities on behalf of its membership, NOSSA is involved in matters that promote safety on the lower Mississippi River and Mississippi River-Gulf Outlet (MR-GO), i.e., the establishment of the Algiers Traffic Light, bridge-to-bridge communications and ensuring safe deep-draft anchorages are strategically located along the river.

We applaud the Eighth Coast Guard District's "Operation Safe River" as another important step to enhance navigational safety by reducing the navigational hazards caused by a few vessels calling our ports. However, we must not lose sight of the fact that the variety of our traffic and the nature of our channel does not allow simple regulatory solutions to be effective on the lower river, MR-GO and connecting waterways. If we lose sight of the complexity of the system we deal with, we will cause more harm than good, creating more hazardous conditions while lulling the industry and public with the illusion of increased safety. To this end, we must ensure the Coast Guard has the personnel and the tools to efficiently do the job we expect of them in terms of navigational safety.

In addition to supporting adequate Coast Guard funding, we endorse the following measures that will help to effectively and efficiently increase safety on our channels.

- A Vessel Traffic System (VTS) is needed that will provide mariners with accurate, real-time information regarding traffic, weather conditions, river stages, bridge clearance and hazards to navigation. VTS should be staffed with experienced civilian personnel familiar with the river. We look upon VTS as a navigational aid supporting the Rules of the Road and Bridge-to-Bridge Radio Communications. We believe the Coast Guard's approach to VTS 2000 will benefit mariners by providing valuable safety-enhancing information not otherwise available.

- The bridge study addressed in Rear Admiral Card's statement to the Subcommittee should improve safety. From the perspective of deep-draft vessels, there is a need for accurate bridge air draft information that can be provided by VTS substantially in advance of the ship's approach. Lacking this information for the Paris Road Bridge on MR-GO has long been a problem for deep-draft mariners, and this bridge should be included in the study. It is equally important to be able to determine the exact center or highest point of a bridge, and the steel structure of bridges often

prevents this. The State Pilots can best explain the technical aspects of this problem, and we support their request that some form of reflector system is needed to identify the center of bridge spans crossing deep-draft navigation channels. We support legislation requiring a reflector system on all new bridges and the retro-fitting of existing bridges.

- Improved radio communications between vessels is urgently needed, while ensuring mariners are not overburdened with additional monitoring and watch-standing on multiple channels. The Coast Guard can verify serious problems of interference from non-maritime transmissions on the marine frequencies, particularly in the New Orleans and Baton Rouge harbor areas. This is a nationwide problem, but perhaps more prevalent on the lower Mississippi River. Bridge-to-bridge and other marine safety frequencies experience intermodulation/overload from non-maritime transmissions, primarily, but not limited to, commercial paging tranemitters, because paging frequencies have been assigned within the maritime band. These licensed, land-based radio transmissions are permitted in excess of 300 watts while marine transmissions are limited to 5 watts. At times, non-maritime transmissions completely block out marine information being exchanged between ships during critical maneuvers and between ships and the Coast Guard.

Under no circumstances will greater output for maritime transmitters solve the problem. Neither will filters on maritime equipment without other steps being taken, and the FCC seems unable to address the issues. In fact, legislative action might be required in order to totally ensure uninterrupted communications for safe navigation. In this regard, we support the recommendations of the Maritime Navigation Safety Association which are:

ADMINISTRATIVE ACTION:

(a) Authorize and direct the FCC to implement a moratorium on the issuing of new licenses on commercial channels within the marine band in areas adjacent to navigable waterways.

(b) Authorize the FCC to aggressively pursue the major parties causing the interference and seek their immediate cooperation to voluntarily agree to the legislative measures (a & b) listed below.

LEGISLATIVE ACTION:

(a) Restrict land-based radio signals within the marine band to 150 watts.

(b) Require shore-side antennas and repeating systems that direct or amplify radio signals to be limited to areas and directions which do not impair communication on the marine band.

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(c) Require radio manufacturers to include high quality filtering systems on all newly produced marine radios.

- The Algiers Point Traffic Light, which currently operates only in high water, provides an important service to navigation. Based on recommendations from both deep- and shallow-draft interests, the Coast Guard has proposed year-round operation of the light, particularly with the introduction of gaming boats in the New Orleans Harbor. During low water, the Governor Nicholls Tower and, perhaps, the Gretna Tower, should be manned, thus providing valuable information to mariners. This also gives the Coast Guard the ability to more rapidly operate the traffic lights for high water and when river incidents require traffic control.

- Professional risk assessment studies to aid the Coast Guard in evaluating the introduction of gaming boats into river traffic should be initiated and completed as soon as possible. The number of gaming vessels in the New Orleans Harbor, and other high use areas of the river, will greatly impact the normal flow of commercial traffic creating safety problems. We are concerned that these vessels, particularly if four or five are permitted in the New Orleans Harbor, could be "clustered," adding a multitude of arrivals and departures in very limited and heavily trafficked reaches of the river or affecting much needed anchorages. The introduction of gaming boats is a serious concern to mariners. Cautious review of their locations and operations will provide the maximum safety possible for these vessels and their passengers as they transit one of the busiest commercial waterways in the world.

- Effective, timely dredging of Southwest Pass and the upriver crossings are imperative to safe navigation. The loss of project draft or width causes hazardous conditions and, when it results in delays to traffic, creates congestion along the entire river, impairing navigational safety and taxing the anchorages. Anchorages are already under pressure because of Corps' revetment work and competition from alternative uses (barge fleets, facilities, gaming vessels, etc.). Existing anchorages must be protected and new ones developed, even if Corps' dredging is required to maintain them. The Pilottown anchorage is one such area where Corps' dredging is desperately needed to provide critically needed anchor space, especially during fog, bad weather and channel emergencies. Dredging this anchorage may also help relieve some of the shoaling problems at the Head of Passes, which, in itself, would enhance navigational safety. We are told the Corps is not authorized to dredge the Pilottown Anchorage. If this is true, Congress should immediately take steps to provide the needed authorization and funding to dredge the Pilottown Anchorage.

- The Corps should fully evaluate relieving high water navigational safety problems on the lower river by opening the Bonnet Carre Spillway. Logic indicates opening the spillway could reduce river velocity and sediment load during high water, substantially reducing the risks of collisions, allisons and groundings caused by shoaling.

Thank you for the opportunity to submit these comments.

THURSDAY, APRIL 28, 1994 THE TIMES-PICAYUNE

The Balsa 39 was stuck on the Mississippi River levee in Plaquemines Parish for 24 hours before it was freed.
STAFF PHOTO BY G.E. ARNOLD

Four tugboats free cargo ship from levee in Plaquemines

By STEVE CANNIZARO
St. Bernard/Plaquemines bureau

It took four tugboats Wednesday to pull a 321-foot cargo ship off a Mississippi River levee in Plaquemines Parish where it ran aground about 24 hours earlier, the Coast Guard said.

Officials said damage to the levee and the ship appeared minimal.

"It took some chunks out (of the levee) but it didn't affect the structure," Petty Officer Trent Sehlinger of the Coast Guard Port Operations Marine Safety Division said.

The Army Corps of Engineers used bulldozers to fill a gouge left in the levee after the Balsa 39, a Philippine-registered ship, was freed late Wednesday.

The vessel ran aground Tuesday near Phoenix on the east bank of Plaquemines after losing its steering. It was headed upriver to the Port of New Orleans to take on cargo.

No injuries were reported among the crew.

One tug hauled the Balsa 39 backward off the levee while three others pulled sideways to steady the ship.

After that, the Balsa 39 headed 13 miles upriver to Belle Chasse for inspection. The ship was under its own power but was assisted by the tugs, the Coast Guard said.

> *"It took some chunks out (of the levee) but it didn't affect the structure."*
>
> **PETTY OFFICER TRENT SEHLINGER**
> **Coast Guard Port Operations Marine Safety Division**

The three-story-tall ship from Manila was empty when it hit the levee.

Because of high water during the spring, the river runs well up the levee, leaving only about 15 feet of the structure above water.

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